



LAND USE SCHEME 2019

CITY OF MBOMBELA LOCAL MUNICIPALITY



Prepared by Umsebe Development Planners - 2019

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CHAPTER 1: BASIC PROVISION

1.1 Title

- 1.1.1 This scheme shall be known as the City of Mbombela Land Use Management Scheme, 2019, promulgated by virtue of Notice No: ____ dated _____ in the Mpumalanga Provincial Gazette No: _____ and shall hereafter referred to as the "Scheme".

1.2 Authorised Local Municipality

- 1.2.1 The City of Mbombela Local Municipality, hereafter referred to as the "Municipality" is the authority responsible for enforcing and carrying out the provision of the Scheme.

1.3 Enactment and Validity

- 1.3.1 The Scheme has been prepared in terms of Section 24 of the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013) and enactment in terms of the Mbombela By-Law on Spatial Planning and Land Use Management.
- 1.3.2 As from the commencement date as published in the Provincial Gazette, these regulations shall apply to all the land under the jurisdiction of the City of Mbombela Local Municipality.
- 1.3.3 If any provision in this Scheme is struck down as invalid by a court of law, such provision shall be severed from the scheme, but shall not affect the validity of the remaining provisions.
- 1.3.4 Where the scheme regulations are in conflict with national and provincial legislation, the provisions of such legislation shall prevail, save where such regulations are a local authority competency, as mandated by the National Constitution.
- 1.3.5 If the scheme regulations conflict with a by-law or any other subordinate legislation, these regulations shall prevail.

1.4 Land Use Rights

- 1.4.1 Whether or not land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the land may be used only in accordance with the land use rights held in terms of the Scheme. All conditions included in a title deed of a land parcel within the Local Municipality supersede the land use rights granted by the Mbombela Land Use Scheme.
- 1.4.2 A Register of Land Use Rights shall be the definitive source of the land use and development rights of a property.
- 1.4.3 The Municipality may at its own discretion substitute a land use right applied for with an equivalent land use right in terms of this scheme.

1.5 Area of the scheme

- 1.5.1 The Scheme is applicable to the area of jurisdiction of the City of Mbombela Local Municipality, as proclaimed by MP 326.

1.6 Purpose of the Scheme

- 1.6.1 As described in the Spatial Planning and Land Use Management Act, Act 16 of 2013 a land use scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote:

- a) Economic growth;
- b) Social inclusion;
- c) Efficient land development; and
- d) Minimal impact on public health, the environment and natural resources.

1.7 Components of the Scheme

- 1.7.1 This Land Use Scheme consist of:

- a) Scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;
- b) A map indicating the zoning of the municipal area into land use zones;
- c) A register of all land use rights of all properties;
- d) A register of all amendments to such land use scheme; and
- e) A register of amendments of all special and written consents

1.8 Application of the Scheme

- 1.8.1 This Scheme applies to all land within the municipal area of the Municipality, including land owned by the State.
- 1.8.2 This Scheme binds every owner and their successor-in-title and every use of land, including the State.

1.9 Status of the Land Use Scheme

- 1.9.1 This Land Use Scheme is prepared in terms of the Spatial Planning and Land Use Management Act of 2013 and is in substitution of the following Schemes previously in operation in the City of Mbombela Local Municipal area:
- a) Nelspruit Town Planning Scheme, 1989;
 - b) White River Town Planning Scheme, 1985;
 - c) Umjindi Town Planning Scheme, 2002; and
 - d) Peri-Urban Town Planning Scheme, 1975

1.9.2 The use of all land included in the area of this Land Use Scheme shall be controlled by the Land Use Scheme. No land or building may be used for any purposes other than that permitted in this Land Use Scheme, and its binding to all persons and the State.

1.9.3 Nothing in this Scheme overrides a restrictive condition.

1.10 Rectification of errors on land use scheme map

1.10.1 If the zoning of a land unit is incorrectly indicated on the zoning map or incorrectly indicated in the register of land use rights, or wrongly converted from a zoning map of a former land use scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.

1.10.2 An owner contemplated in subsection 1.10.1 must apply to the Municipality in the form determined by the Municipality and must:

- a) Submit written proof of the lawful land use rights; and
- b) Indicate the suitable zoning which should be allocated.

1.10.3 The onus of proving that the zoning is incorrectly indicated on the land use scheme map and incorrectly indicated in the register of land use rights is on the owner.

1.10.4 The owner is exempted from paying application fees and from liability for the costs of public participation upon application to rectify an error on the land use scheme map.

1.10.5 If the Municipality approves the application, the Municipality must update the electronic zoning map and register of land use rights.

1.10.6 The Municipality may refuse an application to correct the zoning map and register of land use rights if the owner fails to submit written proof of the lawful use rights.

1.10.7 The Municipality may correct a zoning map and the register of land use rights if it finds an error on the map after:

- a) Notifying the owner in writing of its intention to correct the wrong conversion or error;
- b) Inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map and in the register of land use rights; and
- c) Considering any representations received from the owner.

1.11 Owner's responsibility

1.11.1 A land owner within the Municipal Area, the duly authorised representative of such owner, a person to whom the land concerned has been made available for development in writing by an organ of state or such persons duly authorised agent, or a service provider responsible for the provision of infrastructure, utilities or other

related services, may apply for an approval required in terms of the Act, Spatial Planning and Land Use Management By-Law or Scheme.

- 1.11.2 The fact that land may be used for a specific purpose according to its zoning or in terms of Municipality's consent or approval does not exempt anyone from obtaining the necessary permit, license, authorization or approval required in terms of any other legislation.

1.12 The Municipality's responsibility

1.12.1 Public document

- a) This Scheme (i.e. including the zoning maps and the register of land use rights) must be available for public inspection in the Municipal Offices during normal municipal office hours and extracts from this Scheme are obtainable at the Municipal Offices against payment of the prescribed tariffs.

1.12.2 Keeping of register

- a) The Municipality is responsible for keeping and maintaining a record of all departures and consent uses approved in terms of this Scheme. Additional records relating to the use of land in terms of this Scheme as required by the Municipality may also be included in the register. The register may be computerized.

1.12.3 Updating and amendments

- a) The Municipality is responsible for updating the electronic register of land use rights and the electronic zoning map, based on approvals granted from time to time. Amendments to the zoning map shall be shown on the official zoning map, which must be updated regularly.

CHAPTER 2: GENERAL TERMINOLOGY

2.1 Interpretation

2.1.1 In this Scheme, unless the context otherwise indicates, or it is otherwise expressly provided, any word shall, when used in the context of the Scheme, have the meaning assigned to it hereunder.

ABATTOIR	: a place in which animals are killed and butchered for the intention of being processed as food;
"ACT" or "THE ACT"	: The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);
ANCILLARY USE	: A use, building or activity which is subservient to, related to and reasonably required for the conducting of the dominant use on the property. Notwithstanding anything contained in this Scheme, the classification of not by the Municipality of an ancillary use shall be decisive and final;
ADDITIONAL STRUCTURES TO A MOBILE DWELLING UNIT	: Any structure attached to or detached from a mobile dwelling unit, but which is incidental thereto;
AGRICULTURAL HOLDING	: A Portion of land not less than one morgen in extent used solely or mainly for the purpose of agriculture or horticulture or for breeding or keeping domestic animals, poultry or bees;
ANTENNA	: Means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electromagnetic waves;
APPEAL AUTHORITY	: The executive authority of the Municipality, the Municipal Appeal Tribunal established in terms of the By-Law or any other body or institution outside of the municipality authorised by that Municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Spatial Planning and Land Use Management Act, 2013;
APPLICANT	: A person who makes a land development application contemplated in Section 45 of the Spatial Planning and Land Use Management Act, 2013;
APPROVAL	: Written approval;
APPLICATION	: Means a land development and land use application as contemplated in the Act;
APPROVED TOWNSHIP	: A township declared an approved township in terms of the relevant section of the By-Law;
AWNING	: A cantilevered or suspended roof, slab or covering (not being the floor or balcony) projecting from the wall of a building;

AREA OF THE SCHEME	: The area described in Section 1.5 of this scheme
BALCONY	: A floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings, or by main containing walls of rooms abutting such projecting floor, and includes a roof, if any over such floor and pillars supporting such roof;
BASE ZONE	: The zone which determines the lawful land use and development parameters for a land unit in terms of this Land Use Scheme, before the application of any overlay zone. The base zone is captured in the register of land use rights;
BASEMENT	: Any storey of a building which is below the level of the ground storey of the building;
BOUNDARY	: In relation to a land unit means one or more of the cadastral lines separating such land unit from another land unit or from a road reserve;
BOUNDARY WALL	: Means any wall, fence or enclosing structure erected on or next to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall;
BUILDING	: <ul style="list-style-type: none"> (a) Any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with- <ul style="list-style-type: none"> (i) the accommodation or convenience of human beings or animals; (ii) the manufacture, processing, storage or sale of any goods; (iii) the rendering of any service; (iv) the destruction or treatment of refuse or other waste materials; (v) the cultivation or growing of any plant or crop; (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith; (c) any fuel pump or any tank used in connection therewith; (d) any part of a building, including a building as defined in paragraph (a), (b), or (c); (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of water supply, drainage, stormwater disposal electricity supply or other similar service in respect of the building.
BUILDING LINE	: Means an imaginary line on a land unit, which defines a distance from a specified cadastral boundary, within which the erection of buildings or structures are completely or partially prohibited;

BUILDING RESTRICION AREA	: An area wherein no building, permanent structure or swimming pool may be erected or constructed;
BY-LAW	: The Mbombela By-Law on Spatial Planning and Land Use Management;
CADASTRAL LINE	: Means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor General and registered in the Deeds Offices;
CANOPY	: A cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony;
CARPORT	: Means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;
COMMENCEMENT DATE	: The date on which this Land Use Scheme comes into operation;
COMMUNAL LAND	: Land under the jurisdiction of a traditional council determined in terms of section 6 of the Mpumalanga Traditional Leadership and Governance Act, 2005 (Act No. 3 of 2005) and which was at any time vested in- <ul style="list-style-type: none"> (a) The government of South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1963); or (b) The government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971);
COMMUNITY SERVICES	: a non-paying job performed by one person or a group of people for the benefit of their community or its institutions
CONSENT	: Special permission granted by Council, after due consideration of all relevant facts and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the primary use right applicable to the land unit concerned;
CONSOLIDATION	: The joining of two or more pieces of land into a single entity;
CONSTITUTION	: The Constitution of the Republic of South Africa, 1996;
COUNCIL	: The City of Mbombela Local Municipality as a Municipal Council established in terms of section 12 of the Municipal Structures Act, and includes any municipal standing committee or municipal official with delegated powers in terms of the area of jurisdiction of which these town planning conditions apply;

COVERAGE	: The area of a property covered by buildings, measured over the external wall as seen vertically from above and expressed as a percentage of the area of the property. The following portions of buildings shall be disregarded in the calculation of coverage: <ul style="list-style-type: none"> - Stoeps, entrance steps and landings; - Open balconies and retractable awnings; - Cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building; - Eaves not projecting more than 1 m from the wall of the building; - A basement, provided that the finished level of the top of the basement roof slab does not project above the existing ground level;
CRITICAL BIODIVERSITY AREAS (CBA'S)	: CBAs are areas outside the Protected Areas network and must be maintained in a good ecological condition (natural or near-natural state) in order to meet biodiversity targets. CBAs collectively meet biodiversity targets for all ecosystem types as well as for species and ecological processes that depend on natural or near natural habitat that have not already been met in the Protected Area network.
CUL-DE-SAC	: A dead-end street with only one inlet and outlet, commonly used to calm vehicle traffic;
DIAGRAM	: A diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);
DEEDS REGISTRY	: Means a deeds registry as defined in Section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);
DENSITY	: A measurement of the intensity of a residential development, expressed as a number of dwelling units per hectare, or a dwelling unit per Erf size;
DEVELOPMENT CHARGE	: A once-of amount which has to be paid by a developer to cover the cost that the Municipality incurred or has to incur to upgrade existing service infrastructure and/or to provide new infrastructure in order to create the necessary capacity and standard of service required to accommodate a development. A development charge is levied in terms of the applicable By-Law;
ECOLOGICAL SUPPORT AREA'S (ESA'S)	: ESAs are areas that must be maintained in at least a fair ecological condition (semi-natural/moderately modified state) in order to support the ecological functioning of a CBA or Protected Area, or to generate or deliver ecosystem services, or to meet remaining biodiversity targets for ecosystem types or species when it is not possible or necessary to meet them in natural or near-natural areas. ESAs must retain

	ecological processes, which often require at least semi-natural ecological condition;
EDUCATIONAL INSTITUTIONS	: a place where people of different ages gain an education, including, child day care center, crèche and place of education;
ENGINEERING SERVICES	: Services installed in the process of development land for the reticulation of water, electricity and sewerage and the building of streets, roads and storm water drainage systems, including all related services and equipment;
ENVIRONMENTAL IMPACT ASSESSMENT (EIA)	: A process of examining the environmental effects of development in terms of the requirements of the National Environmental Management Act, (Act No. 107 of 1998);
ERECTION OF A BUILDING	: Includes the structural alteration of or making of any addition to a building other than a structure or alteration which is the opinion of the local authority, is of a limited extend such as inter alia, the removal of non-weight baring internal walls, the erection of removal partition, safes and toilets inside an existing building or repair work inside or outside a building;
ERF	: Any portion of land registered in the Deeds Office as part of an approved township or land indicated as such on the General Plan of an approved township;
EXISTING USE	: A use carried out or in an operation on land that was permitted in terms of the previous Town Planning Scheme or other legislation regulating use of land and buildings, but which is contrary to this Land Use Scheme; it shall remain and existing use right, subject to the transitional provisions as contained in the By-Law;
FACTORY	: A building or group of buildings were goods are partially or entirely manufactured, processed or assembled, stored and packaged.
FAMILY	: One person maintaining an independent household; or two or more persons related by blood, marriage or civil union maintaining a common household; or not more than four unrelated persons without dependants maintaining a common household; but does not exclude up to six foster children, or dependants under legal guardianship as part of a household;
FARM	: A portion of land identified and described as such on a diagram in terms of the Land Survey Act, 1997 (Act No. 8 of 1997), and includes a portion of a farm similarly identified;

FENCE	: An artificially constructed linear barrier of wood, masonry, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of properties or areas or erected to act as a barrier;
FILE	: The lodgement of a document with the appeal authority of the Municipality;
FLOOD LINES	: An indicative line indicating the maximum level likely to be reached by flood waters on average once in every 100 years [paraphrased from Section 144 of the National Water Act, 1998 (Act No. 36 of 1998).
FLOOR AREA	: The total lettable area of all floors/storeys of a building (including a basement storey), measured over the external walls of each floor/storey in the building, provided that in the calculation of the floor area the following areas shall not be included <ul style="list-style-type: none"> - Unroofed structures, open roofs and areas occupied by fire-escapes of staircases, whether inside or outside the building; - Entrance halls, communal corridors (not occupied by kiosks and seating for places of refreshment) and staircases not enclosed by external walls – therefore excluding closed entrance halls and foyers; - Areas used to accommodate lift motors, and other mechanical or electrical equipment necessary for the property use of the building; - Chimneys, ornamental features, outdoor or uncovered swimming pools, canopies covered by shade nets; - Public toilets; - Housing for servants on the roof of the building, provided that the floor area thus excluded shall not exceed 3 % of the permissible floor area of such building; - All balconies or verandas in a building, provided that such veranda or balcony shall not be enclosed except by means of a parapet at most (1) one meter high; - Areas reasonably used for the cleaning, maintenance and care of the building or buildings, excluding dwelling units for supervisors, cleaners and caretakers and parking for the use of the building; - Parking for the use of the building;
FLOOR AREA RATIO (F.A.R)	: The ratio obtained by dividing the floor area of a building(s) by the total area of the property on which the building(s) is erected;

GENERAL PLAN	: A plan, which representing the relative positions and dimensions of two or more pieces of land, has been signed by a person recognised under any law then in force as a land surveyor, or which has been approved or certified as a general plan by a Surveyor General and includes a general plan or a copy thereof prepared in a Surveyor General's office and approved or certified as such;
GARAGE	: A building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station
GROUND FLOOR	: The storey on which there is an entrance or entrances to the building from the lowest natural ground level as determined by the approved building plan;
GROSS LEASALBE FLOOR AREA	: The floor area designed for occupation and control by a lessee, or which is suitable for such purposes, measured from the centre line of joint partitions and/or the outer surfaces of the external walls, but shall exclude toilets, lift shafts, service ducts, loading bays and interior parking;
HABITABLE ROOM	: Refers to a room designed or used for human habitation but excludes a storeroom;
HEALTH CARE FACILITIES	: A location where healthcare is provided and include the following: hospital, institution and medical suites
HEIGHT	: Of a building means a vertical dimension from a specified level to another specified level, as set out in the development rules of a zone, measured in metres; provided that chimneys, flues, masts, antennas, satellite dishes not exceeding 1,5 m in diameter and external geysers with associated equipment not protruding more than 1,5 m above the top of the roof shall not be counted for the purpose of height control;
HIGH BIODIVERSITY AREAS:	Areas which have been identified by the Mpumalanga Biodiversity Sector Plan as Critical Biodiversity Areas and Ecological Support Areas
ILLEGAL TOWNSHIP	: Land held under farm title or as an agricultural holding in terms of the Agricultural Holdings (Transvaal Registration) Act, 1919 (Act 22 of 1919), or other forms of ownership, used in the opinion of the municipality for purposes contemplated in the definition of a township where such use is not being exercised as a result of the establishment of a township contemplated in terms of the By-Law or a township established in terms of any other law, but excludes informal areas as may be determined by the Municipality;
INSPECTOR	: A person designated or appointed as an inspector under Section 32 of the Spatial Planning and Land Use Management Act, 2013;

INTEGRATED DEVELOPMENT PLAN (IDP)	: A participatory planning process aimed at developing a strategic development plan to guide and inform all planning, budgeting, management and decision making in a Municipality, in terms of the requirements of Chapter 5 of the Municipal Systems Act, 2000 (Act NO.32 of 2000);
INTERESTED PARTY	: Refers to any person or body who, in accordance with the provisions of this Land Use Scheme, and within any time period prescribed, has submitted, in writing, any objection, comment or representation in respect of any matter in the Land Use Scheme providing for objections, comments o representations;
KITCHEN	: A room or any portion of a room or outside area equipped with cooking and washing facilities, which can be used for the preparation of meals, including a kitchenette, but excluding outside entertainment areas. Cooking facilities include any stove, hotplate, oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. Washing facilities include a sink and any plumbing provided for such facility. A water kettle, coffee percolator, microwave oven and bread toaster are not regarded as cooking facilities;
LAND	: <ul style="list-style-type: none"> (a) Any Erf, agricultural holding or farm portion, or portions thereof, servitudes, lease areas and includes any improvements or building thereon and sectional title units, exclusive use areas and common property registered in terms of the Section Titles Act, 1986; and (b) The area of communal land to which a household holds an informal right recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of the registered owner of the land, and property has a similar meaning;
LAND DEVELOPMENT AREA	: An erf or the land which is delineated in an application submitted in terms of the By-Law or any other legislation governing the change in land use and "land area" has a similar meaning;
LAND DEVELOPMENT	: The erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of this land use scheme;
LAND DEVELOPMENT OFFICER	: The authorised official defined in regulation 1 of the Regulations;

LAND USE	: The name of the use rights listed in this zoning scheme, and can be a collective description for one or a number of land use activities and ancillary uses, it also includes permits or consents issued by a competent authority and includes conditions related to such land use purposes;
LANDSCAPING	: The placement of plants, contoured features, water features, paving street furniture and other soft and hard elements for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property or area;
LAND SURVEYOR CERTIFICATE	: A certificate issued by a professional land surveyor;
LAND USE RIGHTS	: The inherent rights to use and develop land that is attached to a property. The land use rights determine what is allowed on the property in terms of the type of development, the bulk and intensity thereof and the conditions to which the development or land use are subject. The components if the land use rights are: <ul style="list-style-type: none"> - The land use allowed as defined in the land use definitions, - The bulk of development allowed, as defined in the density, FAR, coverage, and height restrictions,
LAWFUL NON-CONFORMING USE	: An existing use of land, including buildings or structures thereon and the use thereof, that was lawful before the commencement date of this land use scheme, but which does not conform to the use or development rules stipulated in this land use scheme;
LIVING ROOM	: A room designed or used for human occupation in accordance with the standards prescribed in the National Building Regulations, but does not include a storeroom, kitchen scullery, toilet, bathroom or a passage;
LOADING BAY	: An area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles and which has vehicular access to a public street to the satisfaction of Council;
LOCAL SPATIAL DEVELOPMENT FRAMEWORK	: A local spatial development framework as referred to in the applicable By-Law;
LOFT	: An open space between the upper surface of the topmost floor and the ceiling above it, designed for, or used for, human occupation. For purposes of measuring height, a loft shall be counted as a storey;
MANUFACTURING	: The making of goods or wares by manual labour, or by machinery;

MEZZANINE	: An intermediate floor in a building, especially a low one between the ground floor and the first floor, and for the purposes of measuring height, a mezzanine shall be counted as a storey;
MICRO-MANUFACTURING	: The manufacturing of products in small quantities using small manufacturing facilities;
MINERAL	: Means any substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or in or under water and which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, clay, soil and any mineral occurring in residue stockpiles or in residue deposits, but excludes— (a) water, other than water taken from land or sea for the extraction of any mineral from such water; (b) petroleum; or (c) peat;
MUNICIPAL AREA	: The area of jurisdiction of the City of Mbombela Local Municipality demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);
MUNICIPALITY	: The City of Mbombela Local Municipality;
MUNICIPAL PLANNING TRIBUNAL	: The City of Mbombela Municipal Planning Tribunal established in terms of the Mbombela By-Law on Spatial Planning and Land Use Management.
MUNICIPAL PURPOSES	: Such purposes as the local authority is authorised to carry out in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, or any other law;
NATIONAL BUILDING REGULATIONS	: The National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
NOTARIAL AGREEMENT OF TIE	A notarial tie of two properties by way of a notarial tie-agreement under the provisions of Section 65 of the Deeds Registries Act 47 of 1937;
NATURAL GROUND LEVEL	: The existing ground level at any point unless there have been excavations in which case the level shall be determined by the Municipality;
OBECTOR	: A person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or an application;
OCCUPANT	: Any person who physically inhabits a property;
ORDINANCE	: The Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986);

OUTBUILDING	: A building other than the main building, which, in the opinion of the Municipality, is ordinarily necessary in connection with the use of the main building. In the case of a dwelling house, it will include a garage(s) and servant's quarters, but without a kitchen in the latter case. An outbuilding will be erected simultaneously or after the main building;
OUTDOOR ADVERTISING	: The act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place outdoors;
OVERLAY ZONE	: A category of zoning applicable to a particular area or land unit which: <ul style="list-style-type: none"> (a) Stipulates development rules and/or use rights in addition to the base zone requirements, which may be more or less restrictive; and (b) May include provisions and development rules relating to primary uses, additional uses or consent uses, provisions in the base zone, subdivision and sub divisional areas, special planning areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge, scenic drives or local areas, or any other purpose, as set out in this zoning scheme or regulations promulgated in terms of the Municipal Systems Act; and 'overly zoning' has a corresponding meaning;
OWNER	: The person registered in a deed's registry as the owner of land or who is the beneficial owner in law;
PARAPET	: A low projection, wall or moulding which finishes the uppermost edge of a building with a flat or low-pitched roof;
PARKING SPACE	: An area measuring not less than 5,0 m by 2,5 m for perpendicular or angled parking and 6,0m by 2,5 m for parallel parking, which clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Municipality;
PERGOLA	: Any unroofed horizontal or approximately horizontal grille or framework, such that the area of the solid portions of the horizontal projection does not exceed 25% of the total area thereof;
PLAZA	: An urban open space or square, primarily designed for outdoor use by pedestrians;
PREVIOUS PLANNING LEGISLATION	: Any planning legislation that is repealed by the Act or the provincial legislation;

PORCHE	: A roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to such building, and includes any paved area there under, and any low walls or railings enclosing such paved area and any pillars supporting such roof;
PREPARED FOOD/SNACKS	: is food that is commercially prepared (often through processing) to optimise ease of consumption. Such food is ready to eat without further preparation
PRIMARY USE	: In relation to property means any land use specified in this Land Use Scheme as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipalities approval;
PRIVATE CLUB	: Land used or a building designed to be used as a private meeting-place for a group of people with a collective aim;
PRIVATE GARDEN	: the private open space surrounding residential dwellings where the householders have sole responsibility for management;
PROVINCE	: The Province of Mpumalanga referred to in section 102 of the Constitution;
REGULATIONS	: The Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015;
RESIDENTIAL COMPLEX	any multi-unit residential complex which contains private drives, roadways or streets;
REZONING	: The change of zoning in relation to a particular land unit or units or portion of a land unit, in terms of planning law;
RESTRICTIVE CONDITIONS	: A servitude or condition registered against the title deed of immovable property restricting its utilisation, and any other statutory restriction on the planning, development or utilisation of immovable property;
RETAIL SELLING AND DISTRIBUTION AS CONTEMPLATED IN THE LIQUOR ACT	: "distribution" means to offer liquor or methylated spirits for sale, or sell it, to a registered person; "retail sale" means the sale of liquor for the purpose of consumption;
ROAD RESERVE	: The designated area of land that contains or are able to contain a public street or private road, and associated verge, which land may or may not be defined by cadastral boundary;
SCRAPYARD	: A place where scrap is stored, discarded or resold;

SERVICES AGREEMENT	: A written agreement which is concluded between a developer of land and Council and in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external engineering services and the standard of such services are determined;
SERVITUDE	: A registered right that grants the use of a portion of land for specified purposes;
SITE DEVELOPMENT PLAN	: A plan that shows the proposed development of a property and any salient natural features thereof in accordance with the guidelines contained in the Scheme;
SPATIAL DEVELOPMENT FRAMEWORK	: The City of Mbombela Spatial Development Framework prepared and adopted in terms of sections 20 and 21 of the Act and Chapter 2 of the By-Law;
SHOPPING COMPLEX	: A group of retail shops, restaurants, and other businesses with a common interest in soliciting sales. The facility is developed as planned commercial location and typically offers private, off-street parking facilities or areas;
STOREY	: The space in a building between one floor level and the following floor level or ceiling or roof above;
STORMWATER	: Means water resulting from natural processes, precipitation and/or the accumulation thereof, and includes groundwater and spring water ordinarily conveyed by the storm water system, but excludes water in a drinking-water or waste-water reticulation system;
STORMWATER SYSTEM	: Means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of storm water;
STREET BOUNDARY	: Means the boundary between a land unit and an abutting public street or private road, provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, shall be deemed to be a common boundary for the purpose of determining building lines, street centreline setback and site access requirements;
SUBDIVIDE	: In relation to land, means to subdivide the land, whether by means of: (a) Survey; (b) The allocation, with a view to a separate registration of land, of undivided portions thereof in any manner; or (c) The preparation thereof for such subdivision;

SUPERMARKET	: A supermarket is a self-service shop offering a wide variety of food, beverages and household products, organized into sections and shelves. It is larger and has a wider selection than earlier grocery stores, but is smaller and more limited in the range of merchandise than a hypermarket or big-box market;
SURROUNDING PROPERTIES	: Properties immediately adjacent to and abutting on the subject property, including properties located in line with and across any street or road from the subject property;
TEMPORARY STRUCTURE	: Any building or structure that is so declared by the owner and that is being used or is to be used for a specific purpose for a specified limited period of time, but does not include a builder's yard;
TERRACE	: An area to which occupants of a building have access, created on a flat roof over a portion of a storey, resulting from the setting back of part of the building above such a storey;
THE ACT	: The Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2913), Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and any subsidiary legislation or other legal instruments issued in terms thereof;
TOWNSHIP REGISTER	: An approved subdivision register of a township in terms of the Deeds Registries Act;
TRADITIONAL COMMUNITIES	: Communities recognised in terms of Section 3 of the Mpumalanga Traditional Leadership and Governance Act, 2005;
TRAFFIC IMPACT ASSESSMENT	: A study of demand for travel generated by a proposed development in relation to the existing and planned road system, provided that such a study must be conducted by a competent, registered civil or traffic engineer;
URBAN EDGE	: A demarcated line which is designated as an urban edge in terms of an approved policy which may follow cadastral boundaries or not;
VERANDAH	: A covered area or floor outside and immediately adjoining a building at or below the level of the ground floor thereof. The veranda includes the covered area or floor, the roof or other feature covering it and any walls or railings enclosing such covered area or floor;
WATER ACT	: The National Water Act, 1998 (Act No 36 of 1998), as amended;
WATERCOURSE	: (a) A river, stream, channel or canal in which water flows regularly or intermittently; (b) A marsh, wetland, dam or lake into which or from which water flows; and includes the bed and banks of a watercourse;

WRITTEN CONSENT

: Consent granted by the Local Municipality;

ZONE

: The part of the zoning scheme which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use and development rules of property.

CHAPTER 3: LAND USE DEFINITIONS

3.1 Interpretation

- 3.1.1 In these clauses, unless the context otherwise indicated, or it is otherwise expressly provided, any word shall, when used in the context of the Scheme, have the meaning assigned to it hereunder.
- 3.1.2 Should a dispute arise with regards to the meaning of a land use definition, the interpretation of the Municipality shall be correct and final, after which the necessary amendment shall forthwith be brought onto the definitions by the Municipality to prevent a further dispute.

3.2 Definitions

“Abattoir” means a Place where livestock or poultry is slaughtered, refrigerated, inspected and prepared for distribution thereof to retail outlets.

“Adult entertainment business” means an establishment or any part thereof, where for any form of consideration, live performances, films, slides or similar electronic reproductions, photographs, books, magazines, equipment or toys are hired, sold or occur which are characterized by an emphasis on human nudity, partial nudity, pornographic or erotic sexual activities. Adult entertainment business includes a massage parlour, brothel or escort agency, where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response, unless such manipulation is administered by a registered medical practitioner or similar professional person. Adult entertainment business furthermore includes and form of administration or liaison or services relating to the sale, renting, hiring, booking or reservation of any goods or services.

“Agriculture” means the cultivation of land for crops and plants, forestry being the management and utilisation of forest land, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities, such as dwelling units for the farmer, farm manager and farm laborer’s, the packing of agricultural produce grown on the property for delivery to the market and a plant nursery, and includes intensive horticulture and intensive animal farming but excludes, a farm shop, harvesting of natural resources and agricultural industry.

Intensive animal farming means the breeding, feeding and keeping of animals or poultry on an intensive basis, but excludes the breeding, feeding and keeping of wildlife;

Intensive horticulture means the culture of plants on an intensive scale, including the culture of plants under a roof or a greenhouse, as well as the sale of self produces plants on a property;

"Agricultural Buildings" means a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the agricultural use of the land on which the building is situated and includes warehousing, packaging of produce, workshops, drying facilities, but not an agricultural industry or farm stall.

"Agricultural Industry" means an enterprise for the processing of agricultural products on or in close proximity to the land unit where these agricultural products are produced, and where processing in such proximity is necessary due to the nature, perishability or fragility of such agricultural products, and includes wineries, farm packaging stores and chicken hatcheries but does not include the trading of processed products.

"Agri-village" means a private settlement of restricted size established and managed as a legal entity that is situated within an agricultural or rural area and where residence is restricted to bona fide rural workers and their dependents, of the farms, forestry or conservation enterprises situated in the area. The development of agri-villages may represent a partnership between the farmer, the farm worker and the state.

"Airfield" means land and buildings thereon used for the landing, take-off, parking, fueling, and maintenance of aircrafts, limited to aircrafts used for domestic flights, pleasure flights or training, crops spraying, firefighting or emergency rescue services and uses related and subservient to the main use, including a national air-force base. An airfield includes a heliport.

"Airport" means land and buildings thereon used for the landing, take-off, parking and maintenance of aircrafts, including uses related and subservient to the main use, including air traffic control, passenger halls, offices, restaurants, shops, freight storage facilities, loading and off-loading facilities, customs offices, conference facilities and hotel, car hire services or agencies, as well as other uses aimed at the convenience of passengers.

"Animal Refuge" means property used for the temporary boarding, treatment, care, breeding, rehabilitation or training of domestic animals and pets, but does not include a veterinary clinic.

"Auction Centre" means the offering for sale of new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned, but does not include retail sales nor the sale of poultry or livestock.

"Back-packer Inn" means a dwelling house, second dwelling unit or both in which the occupant of the dwelling supplies communal lodging for compensation to transient guests, limited to a maximum of 20 guests, with communal bathroom facilities shared by the guests. Lodging may include the serving of meals to guests, but does not include self-catering facilities, with the exception of communal cooking facilities.

"Bakery" means a building designed or used for large scale preparation and baking of bread, cakes, pastries and other baked products for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the municipality.

"Biosphere" means an area of terrestrial ecosystem, which is internationally recognized within the framework of UNESCO's Programme on Man and the Biosphere (MAB).

"Boarding House" means a residential building where lodging is provided, with or without meals, together with such outbuildings as are normally used therewith, and includes an old age home, hostel, student dormitories and a building in which rooms are rented for residential purposes, but does not include an institution, place of instruction, hotel, bed and breakfast establishment, flats or any self-catering facility.

"Botanical Garden" means a park intended for the display of rare indigenous or exotic plants or trees. A botanical garden includes environmental facilities, a place of refreshment, a nursery and a conference centre.

"Boutique Hotel" means a building designed for hotel purposes developed on a property not smaller than 5000 m² which consist of a maximum number of 21 (twenty-one) en-suite bedrooms. A Boutique Hotel must have a 5 (five) star grading in terms of the South African Tourism Grading council and must also include the following ancillary uses; a boardroom (not exceeding seating for 45 (forty-five) persons and a SPA/ wellness facility not exceeding 2 (two)rooms. The SPA/wellness facility may not be used by the general public and only guests residing at the Boutique Hotel may make use of this facility.

"Brickyard" means a property used for the manufacturing, storage and wholesale of bricks to the general public, provided that raw material used for the manufacturing of bricks are not exploited or mined on the property without the necessary mining and environmental permits.

"Builder's Yard" means land or buildings used for the storage of materials:

- a) Required for or normally used in building operations; or
- b) Derived from demolition or excavation operations; or
- c) Required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes.

"Bulk Retail Trade" means the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principle goods being sold typically require large floor areas for direct display to the purchaser or consumers. Bulk retail includes a storage yard and in-house repair or adjustment facilities for products purchased from the bulk retailer.

"Camping Site" means a property or part thereof on which tents, caravans or mobile dwelling units are utilised by visitors and tourists for temporary accommodation purposes and includes communal ablution, cooking, braai, laundry and recreational facilities, administration offices, retail of convenience goods and a restaurant for the sole use of guests, residents and visitors.

"Canteen" means a building or part thereof and/or premises used for the preparation and serving of food and related products and consumables, to the staff of a business only.

"Carwash" means an establishment where motor vehicles, excluding construction, service or large passenger vehicles such as buses, are washed polished and cleaned by means of mechanical apparatus or by hand.

"Cemetery" means a place where the deceased are buried and may include buildings that are necessary for the administrative and clerical uses associated therewith, including a chapel or a similar use for the conducting of funeral services, but excluding a crematorium.

"Child Day-Care Centre" means the use of a portion of a dwelling house, second dwelling unit, residential building or outbuilding, by an occupant, to provide day care, pre-school, play group or after school services for a limited number of children, excluding a crèche/nursery school.

"Clinic" means a hospital for day patients with no overnight accommodation. Clinics can be privately operated or publicly managed and funded.

"Coal Yard" means the storage and retail sale of coal or charcoal to the public.

"Commonage" means land used for small-scale, subsistence farming activities to cultivate fresh produce or to raise small number of livestock or poultry for own consumption or resale. A commonage has a social and economic upliftment quality and will mostly, but not exclusively, represent communal agricultural land shared between various households or a community. A commonage does not provide for residential purposes but may include facilities for the informal trade of the produce produced on the land.

"Confectioner" means a building designed or used for the preparation and baking of bread, cakes, pastries and other baked products for retail sale to the public.

"Conference Centre" means a place of assembly used for the conducting of conferences, seminars, gatherings, indoor recreation, exhibitions and such other uses which are ancillary to or reasonably necessary for the use of the building as a conference center, including the supply of meals and alcoholic beverages to delegates only, provided that conference remains the primary use on or in the Centre. A conference center may include administrative offices directly and subservient to the main concern.

"Conservancy" means the use or maintenance of land in its natural state with the objective of preserving the biophysical characteristics of that land, including flora and fauna prevalent on the land.

"Craft production": Craft production is a commercial use that involves on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments the craft production of alcoholic beverages is limited to no more than 20 000 liters of product per year. The following regulations also apply: Retail sale and

onsite tasting of beverages and/or the ability for producers to act as wholesaler of its own production for off-site consumption are subject to the appropriate licenses.

“Crèche” means a Building or premises used for the custody and care during the whole or part of the day on all or only some days of the week, for more than six children of pre-school going age and which has been registered as a place of care under the Children’s Act, 1960.

“Crematorium” means a building where the deceased are reduced to ash and may include facilities for associated religious and administrative functions directly related to the main use, including a chapel. This definition is subject to the provision of the Crematorium Act, 1965 (Act 18 of 1965).

“Cultural Heritage Site” means land identified as a protected area in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) or any other act concerned with conserving heritage resources of cultural significance for the present community and future generations and may include places to which oral traditions are attached or which are associated with living heritage, historical settlements, landscapes and natural features of cultural or historic significance, archaeological and paleontological sites, sites with meteoric or fossil debris, sites regarded as a source of understanding of the evolution of the earth, life on earth and the history of people, graves and burial grounds, sites relating to the history of South Africa and any building, object or art form regarded as of cultural or historic significance.

“Drive Through Restaurant” means a building used for the preparation of light meals or fast foods for take away purposes, including a roadhouse and drive-through facility for express collection of meals directly from a motor vehicle.

“Dry Cleaner” means an industrial laundry cleaning service, making use of specialized industrial dry cleaning and steam cleaning equipment, including certain noxious chemicals and processes deemed a nuisance or threat to the general public.

“Dwelling House” means single, free-standing dwelling unit on a property and can include a second dwelling unit.

“Dwelling Unit” means a self-contained, inter-leading group of rooms with not more than one kitchen, used permanently or semi-permanently for the living accommodation and housing of a single family, together with such outbuildings, including servant’s quarters and a garage for vehicular parking, as are ordinarily used therewith. A building may contain several dwelling units where so provided for by the approved density of the property. Group housing, town houses, duplexes, simplexes, low-rise apartment, high-rise apartment, flats, semi-detached, apartment housing, and garage suites are all included as dwelling units.

“Environmental Facilities” means facilities for the management, study, interpretation, education, and public appreciation of a cultural-heritage feature, and/or predominantly natural area.

"Factory Shop" means a retail operation ancillary to an industry or warehousing and packaging where only goods that are partially or entirely manufactured, processed or assembled in the industry or stored and packaged in the warehouse, are sold.

"Farm Stall" means a temporary or permanent building, located on a farm, where a farmer sells fresh produce and products produced and processed on the same farm to the general public, including the sale and display of arts and crafts. A farm stall may include the sale of convenience goods and a place of refreshment subservient to the main use.

"Filling Station" also known as a public garage means a property and the buildings thereon designed or used exclusively for the purposes of fueling, washing, polishing and lubricating motor vehicles and may include a convenience shop, the size of which may be restricted by the Municipality. An automatic teller machine (ATM) shall be regarded as part of a convenience shop. A filling station may include a separate car wash facility, but does not include a motor sales market, workshops, panel beating or spray-painting facilities.

"Fueling Facility" means a private facility, not available to the public, for the storage and dispensing of fuel to vehicles.

"Funeral Parlour" means a property or building where the deceased are prepared for burial or cremation and includes facilities for associated administrative and religious functions, cold storage facilities for preparation for burial, as well as the sale of funeral related articles and products: Provided that the establishment and operation of a funeral parlour shall be subject to the provisions of the Regulations relating to Funeral Undertaker's Premises promulgated in the Government Gazette by virtue of Notice No. R237 on 08 February 1985 in terms of Section 33 and 39 of the Health Act, 1977 (Act No. 63 of 1977).

"Gaming Establishment" means a use providing facilities and/or equipment for patrons to participate in paid-for gaming and gambling opportunities, with the possibility of gaining financial benefit from such activities and may include offices related to the main use and financial facilities or services. Any establishment with three (3) or more gambling slot machines is regarded as a gaming establishment.

"Government Use" means land or buildings thereon used for government purposes in the interest of the general public, including military establishments, police stations, magistrate's courts and prisons, including the related administrative or office function. In the event that the land is utilised for private use, the necessary rezoning should be executed.

"Guest House" means buildings with communal dining and kitchen facilities used for temporary paid accommodation including: backpackers, bed and breakfast establishments and other similar facilities, but excludes Hotels, Conference Centres, self-catering units, chalets, student accommodation and boarding houses. A guesthouse consists of not more than twelve (12) guestrooms, provided that a maximum of sixteen guestrooms may be provide in areas designated for a density of High Residential or along major roads.

"Gymnasium" means a building used for physical training and exercise with or without apparatus and may include swimming pools, squash courts and other sporting activities, administrative offices, steam baths, Turkish baths, sauna's, and a single place of refreshment for patrons only not exceeding 100m², as well as a child care/play facility restricted for use by gymnasium members whilst exercising in the gymnasium.

"Harvesting of Natural Resources" means the gathering of fauna and/or flora within a nature reserve or conservancy area for sale or use by a person or agency other than a recognized environmental agency provided that such harvesting:

- Is sustainable
- Does not deplete the resources below acceptable levels, and
- Is not to the detriment of the eco-system.

"Heavy Vehicle Parking Depot" means a property or building thereon used only for the temporary storage or ad hoc parking of heavy-duty vehicles, long-haul vehicles, trucks, busses and road construction or maintenance vehicles. A heavy vehicle parking depot does not include a fueling facility or a workshop for the servicing or maintenance of any vehicles.

"Heliport" means land, and/or a facility specifically designed and used for the landing and take-off of rotary wing aircraft and any associated aircraft storage or repair facilities.

"Home occupation" means the practice of a profession or occupation, in or from a part of a dwelling unit/house, by the occupant of the dwelling unit/house, provided the dominant use of the dwelling unit/house shall remain residential. A home occupation shall exclude the following: the practice of any panel beating, spray painting, day care facility, armed response, joinery, upholstery, workshop activity, refilling or repair of gas cylinders, social congregation of people and any noxious practices or uses which will interfere with the ambience of the surrounding properties or be a nuisance value by virtue of noise, appearance smell or activities and other reason whatsoever. A Home occupation is subject to the further regulation contained in the Scheme.

"Home office" a dwelling unit or building used for or designed to be used for administrative, clerical or professional purposes excluding a bank building society and an insurance society. The building shall retain a residential character.

"Hospital" means an institution designed as an integrated complex for the diagnosis, care and treatment of human illness, including live-in facilities for patients, a clinic, doctor consulting rooms, dispensary, sale of refreshments, coffee shop and facilities incidental to the main use.

"Hotel" means a building designed and used for temporary overnight accommodation for transient guests, where lodging and meals are provided, including ancillary facilities normally directly related to a hotel such as restaurants, cocktail bars, shops, conference facilities, entertainment facilities, gymnasiums, beauty salon, swimming pools and liquor sales outlets,

but excluding self-catering accommodation. A hotel may comprise of a single or separate building.

“Industry” means the use of land and/or buildings as factory including offices and training that are relevant and secondary thereto, and also retail trade in goods that are wholly or partly produced, processed or assembled on the property, provided such retail trade is complementary and secondary to the industrial use, provided further that a dwelling unit for supervising personnel may also be erected on the premises. Industry is regard as light industry where any noxious activities is absent as defined under the definition for noxious industries.

“Institution” means a property or building used for the purposes of a social, health or welfare facility, including the administration thereof, and includes but is not limited to a clinic, home for the aged, indigent or handicapped, reformatory or place of detention, haven for vagrants and substance abusers, shelter for the homeless, soup kitchen, care centre, rehabilitation centre, charitable institution, nursing institution and sanatorium, whether of a commercial or charitable nature, but does not include a prison.

“Laboratory” means a facility that provides controlled conditions in which scientific research, experiments and measurements are performed. The level of hazardousness is determined by the presence of poisons, infectious agents, flammable or explosive substances, radio-active materials, moving machinery, extreme temperatures and high voltages.

“Launderette” means a coin operated self-service laundry where standard or heavy-duty washing machines and tumble dryers are used and may include a clothing folding or ironing service.

“Lodge” means a building(s) designed and used for temporary overnight accommodation for transient guests where lodging and meals are provided and may further include ancillary facilities directly related to the lodge and for the use of guests only, such as a restaurant, cocktail bar, conference facility, a gymnasium and beauty salon, but excluding liquor sale outlets. A lodge may provide self-catering facilities and/or units.

“Markets” means the selling of products from temporary or permanent structures or facilities in areas specifically demarcated for such purposes by the Municipality or a property owner, such as markets, flea markets, fresh produce markets and hawkers’ stalls.

“Medical Suites” means a property or building, not being a hospital or clinic, which is used for human medical or medical related consultation, examination or treatment and dispensary of medicine by a registered medical practitioner but does not include live-in facilities or a pharmacy.

“Mining” Means land and buildings, that under the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002) and any amendments thereof, are used or designated for mining and/or exploitation of minerals, or for which purpose a permit or mining right has been issued under the aforementioned Act.

"Mobile Dwelling Unit" means a prefabricated combined suite of rooms, which may not include more than one kitchen, designed for occupation and use by a single family as a permanent residence, which is provided with the necessary service connecting points and so manufactured that it can be moved as a unit or units on wheels.

"Mortuary" means a building designed and equipped specifically for the cold storage of the dead and may include facilities required for the conducting of a post-mortem.

"Municipal Purposes" means a building or property, in Municipal ownership, used for such purposes as the Municipality is authorized to carry out in terms of the Municipal Structures Act, 1998, or any other law, including utility infrastructure such as water supply facilities and power supply facilities, but excluding a waste disposal facility or sewer purification plant.

"Nature Reserve" means a national park or some other park which is in the ownership of a public authority or has been declared as such in terms of legislation and remains in private ownership. It consists of an area which is utilized as a game park or reserve for flora and fauna in their natural habitat and may include:

- Buildings that are reasonably connected with the management of a nature reserve, inclusive of facilities for day visitors and;
- May include accommodation and tourist facilities with the Consent of Council.

"Noxious Industries" means an offensive, poisonous or potentially harmful trade, use or activity which, because of smell, fumes, emissions, vibrations, noise, waste products, nature of materials used, processes employed, or other causes, is deemed by the Municipality to be a potential source of danger, nuisance, threat, or offence to the general public, persons in the surrounding area and the surrounding natural environment, and includes, but is not limited to, the following: panel-beating, spray painting, blood boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fell mongering, skin during, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, reduction works, coal processing, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of Sulphur bearing materials, viscose works, smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pig iron into wrought iron, reheating, annealing, hardening, forging, converting and carburizing iron and other metals, works for the production of, or which employ, carbon bisulphite, cellulose lacquers, cyanogen's or its compounds, hot pitch of bitumen, pulverized fuel, pyridine, liquid or gaseous, sulphur, dioxide and sulphur chlorides, works for the production, of amyl-acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulfonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide, petroleum bulk storage facilities and reservoirs and oil refining and works dealing with the processing or refining of petrol or oil or their products.

"Nursery" means land and buildings used for the cultivation of grass, plants or trees for commercial purposes, and may include related and subservient uses such as offices. A nursery

may provide for the retail sale of the cultivated products, gardening provisions, garden furniture or garden ornaments as well as a Restaurant, which is subservient to the main use and other ancillary uses.

"Office" means a building or portion thereof used for the performance of administrative functions or the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, such as, but not limited to, a financial institution, bank, insurance agency, real-estate agency, public administration and professional office.

"Panel Beater" means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.

"Parking" means property or any portion thereof that is reserved for parking purposes, including maneuvering area.

"Parking Garage" means land used or a building designed or used exclusively for the temporary parking of motor vehicles not being for trade or sale.

"Petro-port" means a facility with direct access from a freeway or major transport route which provides a range of rest, service and fueling facilities for light motor vehicles, heavy motor vehicles and busses, including emergency vehicle breakdown services, but does not include a truck-stop.

"Place of Amusement" means land used or a building designed or used for sale of alcohol and/or food for consumption on the premises and may include live entertainment or entertainment generated by television transmission, or entertainment generated by way of mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for purpose of the playing of any game or for the purpose of recreation or amusement. A place of amusement includes a beer hall, public hall, theatre, cinema, drive-inn movie, music-hall, concert hall, sports bar, ladies bar, billiard saloon, sports stadium, skating ring, dance hall, nightclub and an amusement park or any other recreational purpose with or without a view to profit. A place of amusement does not include adult entertainment.

"Place of Education" means a building designed for use or used as a school, college, technical college, university, lecture hall, research institution, convent, library, art gallery, museum or other centre of education, including pre-primary school facilities and hostels directly related and ancillary to the educational facility. A place of education includes a canteen.

"Place of Public Worship" means a building designed and used for the purposes of a church, synagogue, mosque, temple, chapel or other place for practicing a faith or religion, including any building and a residence associated therewith, but does not include a funeral parlour, cemetery or crematorium with related chapel. A place of public worship may provide for a wall of remembrance.

“Place of Refreshment” Includes *inter alia* a restaurant, tearoom or coffee house and means a building which is not a hotel, residential club or boarding house, but which is designed and use for the preparation and serving and or retail sale of meals and refreshments and may include the retail sale of cold drinks, tobacco, reading material, dainties and sweets.

“Prison” means a building used for the confinement of persons convicted and sentenced to imprisonment by a court of law or the confinement of persons awaiting trial.

“Private club” means land used or a building designed to be used as a private meeting-place for a group of people with a collective aim. Should liquor be sold or consumed at such premises it must be legalised by means of a liquor license issued in terms of Section 23 of the Liquor Act, 1989 (Act no. 27 of 1989)

“Private Open Space” means land vested in private ownership or municipal land under long term lease, with or without access control, used primarily as private grounds for outdoor sports, rest or recreation area, park, garden or play area and telecommunication infrastructure.

“Private Road” means any street or road having been set aside as a private thoroughway or the parking of motor vehicles, which is privately owned and allows for restricted access or access control. It may include private open space.

“Public Open Space” means land which is under or will be under the ownership of the Municipality or other public authority, which is not leased on a long-term basis, and which is used or earmarked for use by the general public as an open space, park, recreation park, garden, esplanade, picnic area, playground or square and telecommunication infrastructure and may include area where encroachment agreements or servitudes are registered, limited to a maximum of 10% of the area of the encroaching property, provided that development regulations applicable on the encroaching property be applicable on the area of encroachment.

“Public Road” means any street or road having been set aside as a public thoroughway for vehicles, of which the ownership as such vests in the local, provincial or national authority in terms of the relevant planning legislation or in terms of any other law, and may include encroachment areas with encroachment agreements or servitudes, and other infrastructure, limited to a maximum of 10% of the area of the encroaching property, provided that development regulations applicable on the encroaching property be applicable on the area of encroachment.

“Public Transport Rank” means land and buildings thereon used as a temporary parking area for buses and or taxi’s, boarding facilities for passengers, a ticket sales office, an administration office directly related to the main use, rest rooms and a washing bay, but excluding workshops.

“Railway Line” any land indicated on an approved plan, diagram or map as having been set aside for railway lines used by freight or passenger trains, including maintenance vehicles and may furthermore include a shunting yard.

“Railway Station” means land and buildings thereon used as a parking area for trains, boarding facility for train passengers, tickets sales office, loading and storage facility for railway freight, including uses related and subservient to the main use, including offices, restaurants, convenience shops, rest rooms and informal trade.

“Recycling Centre” means land or building within which used materials are separated and processed for shipment and for eventual re-use in new products.

“Resort” means a tourist orientated development comprising of a combination of temporary accommodation facilities, recreation facilities, entertainment facilities, convenience and curio shops, restaurants, cocktail bars, conference facilities and beauty salons, including a health hydro, guest farm, hotel, lodge, chalets, tented accommodation, game farm and caravan park, but excluding guest houses, bed and breakfast establishments and back-packer inns. Hotels situated within urban areas, which mainly provides overnight accommodation, without a combination of services and facilities aimed at the tourism industry, are not regarded as a resort. A resort does not include a filling station. No facility within the resort shall be occupied by any person for a period exceeding three (3) months within a period of twelve (12) months, except with the consent of the Municipality.

“Retail Shop” means land or building used for the purposes of conducting retail trade and the necessary accompanying storage and packaging and includes any accompanying use on the same site which is incidental and subordinate to the retail business: Provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a retail shop: an industry, drive-in restaurant, place of refreshment, scrap yard, commercial use, warehouse, public garage, filling station, parking garage, place of amusement, adult entertainment business and motor sales market.

“Retirement Village” means a residential development intended for the accommodation or settlement of persons upon their retirement and which may include a frail care centre, place of communal activity, office building, medical suites, launderette, shop and restaurant and other ancillary and subordinate uses, for the sole use of occupants and guests.

“Riding Stables” means a place or undertaking for the leasing of horses and/or riding instruction against payment and includes the care and stabling of such horses.

“Rural Settlement” A rural settlement can comprise of the following:

- Formal Rural Settlement: Means a settlement, which is planned and surveyed with a General Plan. A formal rural settlement can be handled in the same manner as a proclaimed township.
- Semi-Formal Rural Settlement: Means a settlement situated either on private, tribal or state land. The settlement is planned and surveyed; however no General Plan exists. A communal property association or tribal authority or local municipality does management.

- **Informal Rural Settlement:** Means a settlement situated either on private, tribal or state land. The settlement is not planned or surveyed and therefore no General Plan exists. A communal property association or tribal authority or local municipality does management.

"Sawmill" means an agro-industrial concern directly related to the forestry industry and includes the debarking, sawing and processing of timber as a primary source into planks, poles, blocks, or pallets for distribution to manufacturing industries. A sawmill does not include the manufacturing of wood products for wholesale trade.

"Second Dwelling Unit" means an additional dwelling unit situated on the same erf as a dwelling or dwelling house, and which may be attached or detached to the original dwelling or dwelling house. The second dwelling unit can exist independently from the first dwelling unit, and which has its own sewer, water and electrical connections. The intention is that this definition would include what is commonly known as a "granny flat", but that a "second dwelling unit" not be limited to a "granny flat".

"Scrap-yard" means land or buildings used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, scrap machinery, or any other scrap materials, whether or not such dismantling or storage is with a view to the disposal or re-use of such scrap.

"Self-Catering units" means a dwelling unit, flat or rooms including facilities for the preparation of meals and ablution facility rented out on a temporary basis for the private use of guests, catering for themselves. Self-catering units will only be permitted under zoning which allows for dwelling units. (For instance, Airbnb)

"Self-Storage" means the use of a building/s for the purposes of small scale, non-business related storing of domestic goods and may include ancillary offices.

"Service Retail" (also referred to as retail service in the by-law) means a property or building used for the servicing, repair, installation or assembly of electronic or electrical business, vehicle and household equipment or appliances, including administrative offices directly related to the main use and retail sale of such equipment or appliances from the premises; provided that all activities on the property are conducted inside the building without causing any noise disturbance to the immediate surrounding environment. Typical examples of a service retail use include, but are not limited to, a hairdresser, body-care centre, cosmetic salon, physiotherapist's rooms, manicure and pedicure salon, health spa, catering services, cool-chambers for fruit and vegetables, dress-makers and tailors, electricians, engravers, joineries, key-makers, laundries, arts and crafts workshops, photographic studios (for development and printing), plumbers, registration number plates, sign writers, tires, exhaust systems, tow-bars and vehicle spare parts and accessories, upholsterers, auto electricians, repair workshops for air conditioners, blinds, roll-up doors, boats, caravans, trailers, computers, cash registers, type writers, electrical fittings and fixtures, jewelers, lawnmowers,

radios, televisions, video recorders, shoes and leather articles, tents, canvases, tarpaulins, vehicles, motorcycles and bicycles.

"Service trade" means an enterprise:

- Primarily involved in the rendering of a service or small-scale trade incidental to the needs of the local community (e.g. spaza shops, tuck shops, shoe maker and the repair of household appliance or the supply of household services) which will not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever.
- Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions.

"Sewer Purification Plant" means land or buildings and infrastructure used for the communal processing, purification and/or disposal of sewer.

"Social Hall" means a building used for social assemblies, gatherings, meetings, and recreation, including a non-residential or private club, but does not include a "Place of amusement".

"Special" any land use not defined in this scheme and as approved by the local municipality.

"Sport and Recreational Grounds" means land and buildings thereon intended for outdoor and indoor sport and recreational events, which are held primarily for public entertainment, where patrons attend on a recurring basis, and may include the following: sport stadiums, arenas, gymnasiums, animal racing tracks, vehicle racing tracks, public swimming pools, golf course, including retail for patrons only and offices ancillary to the main use.

"Student accommodation" refers to the provision of temporary housing accommodation for students. This definition excludes Guest houses/lodges, Bed & Breakfast facilities, Boarding houses and Backpackers inn.

"Sustainable Farming" means land used by the owner or occupant for small-scale, subsistence farming activities to cultivate fresh produce for own consumption, including dwelling units and may also represent communal agricultural land shared between various households, but does not make provision for commercial farming activities.

"Tavern" means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and subservient prepared food/snacks, to be consumed on the premises but excluding a place of amusement provided that the establishment and operation of a tavern shall be subject to a license in terms of the liquor Act, 1989 (Act No 27 of 1989) as well as a license in terms of the Business Act, 1991 (Act No. 71 of 991) in respect of the sale or supply to consumers of any foodstuff in the form of meals for consumption on the property

“Telecommunication Infrastructure” means telecommunication (including cellular telecommunication) infrastructure includes any one or more of the following services and or structures accommodated on a property, inside a building or fixed to a building:

- (a) Cell phone base station;
- (b) Antenna support structure, including any solid lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or any other structure designed and primarily used to support an antenna;
- (c) Antenna structure, including any system of wires, poles, rods, or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
- (d) Base station, antenna support structure and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
- (e) Equipment room including a structure to house telecommunication equipment, or a container, or a room or rooms within a building with another permanent use;
- (f) Microwave dish, including any device incorporating a reflective surface that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn, or other, and is used to transmit and/or receive electromagnetic waves.

“Telephone Kiosk” means a structure, either mobile or not, containing telephone equipment for the use of the public for financial gain of the owner. A telephone container is included in this definition.

“Tourist Facilities” means amenities or facilities for tourists or visitors such as lecture rooms, restaurant, gift shops, restrooms or recreational facilities, but does not include a hotel or overnight accommodation.

“Traditional Healing Practice” means a use providing an alternative health service to the community in an attempt to cure illnesses and restore general health, based on the exercising of traditional healing practices, including administering of traditional medicine derived from the natural environment.

“Truck Stop” means a facility with direct access from a freeway or major transport route which provides overnight facilities for drivers of long hauls vehicles, trucks, busses and heavy-duty vehicles or an overnight parking facility for such vehicles containing their own on-board sleeping facilities.

“Tuck Shop or Spaza Shop” means the conducting of limited retail trade of convenience goods aimed at the local neighborhood, from a portion of a dwelling unit or outbuilding, separated with a firewall and with a separate entrance, with a maximum extent of 40m² or, if the total floor area is less than 100m², 40% thereof, provided that the area used for the retail trade should be subservient to the main use. Storage space is regarded as part of the tuck shop area.

“Urban Agriculture” means land used for the cultivation of crops and raising of small numbers of livestock, on relatively small areas within urban areas, for own consumption or sale in neighboring markets. Urban agriculture includes commonages.

“Utility” means land, buildings, structures, or infrastructure required and used for the provision of water, sewer, waste disposal, stormwater or electricity engineering and associated services for the proper functioning of urban development and includes but is not limited to water reservoirs, and purification works, electricity substations and transmission lines and waste water pump stations. A utility does not include a waste disposal site, sewage purification plant or telecommunication infrastructure.

“Vehicle Sales Market” means land used, with or without buildings, for the sale or display of motor vehicles and/or boats and/or caravans, including a showroom, but does not include any form of workshops, sale of spare parts or scrap yards.

“Veterinary Clinic” means a building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, including temporary boarding facilities for treated animals and related retail, may include a grooming parlor but excludes an animal refuge.

“Warehousing and Packaging” means a building or use of land for the exclusive purpose of packaging, storage and distribution of goods, which in the opinion of the Municipality are not dangerous, noxious or unsightly, and office facilities directly related to and subordinate to the main use and retail trade in goods which are processed or assembled on the Erf.

“Waste Disposal Site” means a place where household, commercial or industrial waste products are stored, salvaged, treated or disposed of in a lawful manner.

“Wholesale Trade” means land or a building used for the sale of articles only to retailers, other wholesalers, contractors or manufacturers for resale or use in their enterprise.

“Wood Yard” means the secondary processing of raw logs into firewood or the storing of raw logs for future delivery for processing into firewood and/or the storing and sale of firewood to the public.

“Zoological Garden” means a park where wild or farm animals, reptiles, fish or birds are kept and exhibited for public education and amusement or ancillary rehabilitation and may include other associated ancillary facilities.

“4x4 Trail” means a series of roads, tracks, and routes, designed for use by off-road vehicles as a recreation or adventure facility, and includes buildings normally required for the administration and maintenance thereof, but does not include tourist accommodation or tourist facilities.

CHAPTER 4: LAND USE ZONES AND LAND USE SCHEME MAPS

4.1 Land use zone

4.1.1 A land use zone indicates an approximation of the existing land use rights on a property.

4.1.2 Even though the land use zone may create an expectation with regards to the development of the land, each property within the Municipal area of jurisdiction has a base zone which is tabled within the register of land use rights.

4.1.3 No development might occur outside the rights as indicted in the base captured in the register of land use rights.

4.1.4 The municipal area is divided into the following Use Zones:

- a) Agriculture
- b) Agriculture (Permitted use)
- c) Business
- d) Institutional
- e) Industrial
- f) Government
- g) Municipal
- h) Open Space
- i) Residential
- j) Rural Residential
- k) Rural Settlement
- l) Tourism
- m) Protected Areas
- n) Transportation
- o) Public Service Infrastructure
- p) Mining

4.1.5 The Municipality hereby establishes the land use zones contained in this chapter.

4.1.6 The zone number is indicated on the top left-hand corner of the table and the zone code in the right-hand corner.

4.1.7 The colour notation shown in the table, also containing the colour code, shall be used on all plans and documents prepared in terms of the Scheme.

Number: 1 A	Zone: Agriculture	Code: A
Colour notation	RGB	
	R=230 G=185 B=184	
Definition	Land uses normally or otherwise reasonably associated with the use of land for agricultural activities, including the use of land for structures, buildings and dwelling units reasonably necessary for or related to the use of the land for agricultural activities. Land use which could also be reasonably accommodated as subservient uses to the main activity of agriculture.	
Land uses	As per applicable overlay zone.	

Number: 1 B	Zone: Agriculture (Permitted use)	Code: AP
Colour notation	RGB	
	R=255 G=127 B=127	
Definition	Land uses approved on Agricultural land by means of inter alia the following legislation: Subdivision of Agricultural land Act (Act 70 of 1970), Physical Planning Act (Act 88 of 1967), Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940)	
Land uses	n/a	

Number: 2	Zone: Business	Code: B
Colour notation	RGB	
	R=255 G=000 B=000	
Definition	Land uses normally or otherwise reasonably associated with the use of land for business activities.	
Land uses	As per applicable overlay zone.	

Number: 3	Zone: Institutional	Code: I
Colour notation	RGB	
	R=115 G=255 B=223	
Definition	Land uses normally or otherwise reasonably associated with the use of land, either public or private, for community, educational purposes, places of public worship and cemeteries.	
Land uses	As per applicable overlay zone.	

Number: 4	Zone: Industrial	Code: IND
Colour notation	RGB	
	R=196 G=000 B=230	
Definition	Land uses normally or otherwise reasonably associated with the use of land for Industrial purposes including noxious activities.	
Land uses	As per applicable overlay zone.	

Number: 5	Zone: Government	Code: G
Colour notation	RGB	
	R=190 G=210 B=255	
Definition	Land uses normally or otherwise reasonably associated with the use of land owned by the State and use for administrative purposes or any such use as the state deems necessary.	
Land uses	As per applicable overlay zone.	

Number: 6	Zone: Municipal	Code: M
Colour notation	RGB	
	R= 100 G= 120 B = 200	
Definition	Land uses normally or otherwise reasonably associated with the use of land owned by the Municipality and use for administrative purposes or any such use as the municipality deems necessary.	

Land uses	As per applicable overlay zone.
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Number: 7	Zone: Open Space	Code: OS
Colour notation	RGB	
	R=056 G=168 B=000	
Definition	Land uses normally or otherwise reasonably associated with the use of land for open spaces, public parks, sport fields public squares and recreational purposes as well as the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.	
Land uses	As per applicable overlay zone.	

Number: 8	Zone: Residential	Code: R
Colour notation	RGB	
	R=255 G=255 B=000	
Definition	Land uses normally or otherwise reasonably associated with the use of land primarily for human habitation. Low density residential = equal or lower than 10 to 14 dwelling units per hectare or equal or lower than 1 dwelling unit per 700 m ² . Medium density residential = between 15 to 33 units per hectare or between 1 dwelling unit per 500 to 300 m ² units per Erf. High density residential = equal and higher than 33 dwelling units per hectare or equal and higher than 1 dwelling unit per 300 m ² or less.	
Land uses	As per applicable overlay zone.	

Number: 9	Zone: Rural Residential	Code: RR
Colour notation	RGB	
	R=215 G=194 B=159	
Definition	Land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Some agriculture may take place on the land (excluding intensive animal farming) however it will be ancillary to the use for a dwelling. These lots are larger than typical residential lots but are usually too small for agricultural use.	
Land uses	As per applicable overlay zone.	

Number: 10	Zone: Rural Settlement	Code: RS
Colour notation	RGB	CMYK
	R = 255 G = 235 B = 175	
Definition	Land uses normally or otherwise reasonably associated with the use of land within Traditional Council areas.	
Land uses	As per management zone.	

Number: 11	Zone: Tourism	Code: TR
Colour notation	RGB	
	R = 211 G = 255 B = 190	

Definition	Land uses normally or otherwise reasonably associated with the use of land for tourism.
Land uses	As per applicable overlay zone.

Number: 12	Zone: Protected Areas	Code: PA
Colour notation	RGB	
	R = 115 G = 170 B = 050	
Definition	Protected Area as set out in the National Environmental: Protected Areas Act (2003), with the primary aim of protecting and conserving viable areas representative of South Africa's biological diversity and natural landscapes, whilst also ensuring that the green; biodiversity and wildlife economy is grown.	
Land uses	As per applicable overlay zone.	

Number: 13	Zone: Transportation	Code: TT
Colour notation	RGB	
	R=156 G=156 B=156	
Definition	Land uses normally or otherwise reasonably associated with transportation.	
Land uses	As per applicable overlay zone.	

Number: 14	Zone: Public Service Infrastructure	Code: PSI
Colour notation	RGB	
	R=076 G=000 B=115	
Definition	Land uses normally or otherwise reasonably associated with public service infrastructure and utilities.	
Land uses	As per applicable overlay zone.	

Number: 15	Category: Mining	Code: MI
Colour notation	RGB	
	R=168 G=112 B=000	
Definition	Land uses normally or otherwise reasonably associated with the use of land for mining.	
Land uses	As per applicable overlay zone.	

4.2 Zoning Maps

4.2.1 The Zoning maps depict:

- a) The zoning of land in accordance with the use zone in which the land is located

4.3 Administration

4.3.1 The Municipality must update the Zoning Maps within a reasonable time after use rights have been granted or have lapsed;

4.3.2 The Municipality may keep the Zoning Map in an electronic format;

4.3.3 The Municipality may provide an extract of the Zoning Map to members of the public on payment of a fee determined by the Municipality in terms of the tariff policy of the Municipality;

4.3.4 Should uncertainty or dispute arise relative to the precise location of any zone boundary as depicted on a map, the location thereof shall be determined by applying the following rules:

- a) Where a zone boundary is shown as approximately following the centre of streets or other public thoroughfares, pipelines, railway lines or servitudes, it shall be deemed to follow the centreline thereof;
- b) Where a zone boundary is shown as approximately following the boundary of a property, the property boundary shall be deemed to be the boundary of the zone for that portion of the zone boundary which approximates the property boundary;
- c) Where a zone is shown as approximately following the edge or shore line of bodies of water or flood lines, it shall be deemed to follow such lines, and in the event of change in such edge or shoreline or flood lines, it shall be deemed as moving with the same;
- d) Where a zone boundary is shown as being parallel to an extension of features noted above, it shall be so construed;
- e) Where a zone boundary is shown as approximately following the topographical contour line or top-of-the -bank line, it shall be deemed to follow such line, and in the event of the change in such line, it shall be deemed as moving with that line provided further that:
 - i. Where features on the ground are at a variance with those shown on the relevant map or in other circumstances not mentioned above, the Municipality shall interpret the zone boundaries; and
 - ii. Where a zone boundary is not located in conformity to the above provisions and in effect divides or splits a property, or where a zone boundary do not relate to an Erf or other formal cadastral land parcel, the disposition of such zone boundary shall be determined by dimensions indicated on the relevant map or by measurements directly scaled from the map.

- f) In the case of any conflict between the text or clauses of this Land Use Scheme and any maps or drawings used to illustrate any aspect of this Land use Scheme, the text or clause of this Land Use Scheme shall prevail;
- g) Where any public street is closed, the land contained therein shall thereupon be deemed to carry the same zone as the adjacent land and where such adjacent lands are governed by different zones, the centreline on the public street shall be deemed to be the zone boundary;
- h) Where a land use zone is assigned to an area or portion of land other than an erf or formal cadastral land parcel, this shall not be construed as assigning a legal, cadastral status such as an Erf, public street or township to the relevant area or property but shall be interpreted to direct the use of the relevant portion of land and buildings thereon.

CHAPTER 5: GENERAL DEVELOPMENT REGULATIONS

The criteria discussed in the sections below shall apply in addition to the zone regulations. The criteria may regulate any aspect of development considered necessary by the Municipality. All developments and land use rights applications shall adhere, to the applicable regulations contained in these development criteria, with the understanding that the Municipality may, at its discretion, grant a departure thereto.

5.1 Provisions related to use of buildings and land

5.1.1 Use zone

- a) All properties within the area of the Scheme have been allocated a zone indicated on the Zoning Maps.
- b) A property may be zoned as follows:
 - i. With a single zoning;
 - ii. With split zoning; where one base zone applies to a portion of the land and one or more other base zones apply to other portions of the land;

5.1.2 Categories of Uses

- a) Primary uses
 - i. The use of land or buildings for a purpose which is stipulated in the register of land use rights is permissible without any approval from the Municipality;
 - ii. Additional uses listed under a relevant overlay zone in the Scheme, notated as **P** must be applied for in terms of the By-Law;
 - iii. Application process for additional land uses marked by **P**, may be applied for in terms of Section 114 (a) in terms of the By-Law;
 - iv. Application process for land uses marked by **P**, for purposes of establishing a township shall be in terms of Chapter 5, Section B of the By-law.
- b) Consent uses
 - i. Consent use is permitted if the Municipality grants such approval¹;
 - ii. Consent uses listed under a relevant overlay zone in the Scheme, notated as **C**, must be applied for in terms of Clause 9.2;
- c) Permanent Departure A or B
 - i. Permanent Departure A or B is permitted if the Municipality grants such approval;²
- d) Prohibited Uses
 - i. Application process for any land use marked as prohibited in an applicable overlay zone, to be done in terms of the process as stipulated in the By-Law;

¹Clause 9.2

²Clause 9.4 & 9.5

5.1.3 Protection of existing buildings

- a) Save that the rebuilding or addition to existing buildings, with the exception of any structural alteration which is of a limited extent, such as the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside an existing building, or repair work inside or outside a building, shall conform to the provisions of the Scheme.
- b) Existing buildings shall not be affected by the provisions of the Scheme which would otherwise make such buildings illegal: Provided that in cases where alterations of or additions to existing buildings are not of a limited extent, the provisions of the Scheme shall apply only to the parts of the building which are being altered or extended.

5.1.4 Uses permitted

- a) No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected unless the necessary consent of the Municipality has been obtained, therefore.
- b) Nothing herein contained shall be deemed to grant exemption from any of the Municipality's by-laws inconsistent herewith.
- c) Notwithstanding anything to the contrary in this Scheme, no land in a residential use zone may be used for the purposes of parking, storage or garaging of more than one (1) commercial vehicle (which may include inter alia a bus with more than 12 seats, light delivery van, tractor, construction machine and truck with a carrying capacity of more than 3 ton), or taxi, except with the consent of the Municipality.
- d) Notwithstanding anything to the contrary in this Scheme, no land in a residential use zone may be used for the purpose of parking, storage or garaging of any motor vehicle of which the gross vehicle mass exceeds 3500 kg except with the consent of the Municipality provided that the Municipality may grant consent in respect of the parking, storage or garaging of a motor vehicle or an articulated motor vehicle of which the gross vehicle mass exceeds 3500 kg but does not exceed 5000 kg; provided that no vehicle parked, stored or garaged shall carry hazardous materials or flammable substances.
- e) No land shall be used for the purposes of refuse tipping, sewage disposal, scrap yard, stock yard, ash dump, motor graveyard or cemetery without the consent of the Municipality.
- f) The removal of soil, sand, clay or stone from any property shall not be permitted except with the consent of the Municipality and subject to such requirements and guarantees that the surface shall be restored satisfactory as the Municipality may determine.

5.2 Provisions related to densities, floor area ratios and subdivisions

- 5.2.1 The density of a property refers to the maximum number of dwelling units that may be applied for as per existing rights.

- 5.2.2 The density of a property is related to its land use zone and is stipulated in Chapter 4.
- 5.2.3 Existing erven with rights for dwelling units may be subdivided, provided that:
- a) The density directives contained in the applicable zone will not be exceeded for any of the newly created erven;
 - b) Such subdivision will not cause the development restrictions prescribed in the land use rights to be exceeded; and
 - c) If an Erf is created with an extent smaller than the minimum specified in the density directives, such Erf is not used for a dwelling unit.
- 5.2.4 An owner may erect and use a maximum of one second dwelling unit on an Erf zoned "Residential", with a low density, "Agricultural" and "Rural Residential" notwithstanding the density provision of this Scheme subject to the following conditions:
- a) The floor area of a subsidiary dwelling unit shall not exceed the size of the main dwelling unit;
 - b) A subsidiary dwelling unit may only be erected in relation to an existing dwelling house;
 - c) Application shall be made in terms of Clause 9.4³, excluding clause 9.4.2 to 9.4.5;
 - d) No outbuildings may be erected in relation to a subsidiary dwelling unit other than a garage or garages;
 - e) In the event of a subdivision in accordance with the prevailing density guidelines, a newly erected portion may contain the detached subsidiary dwelling unit, which may now be redefined as an existing dwelling house; and
 - f) When an owner exercises the right for a subsidiary dwelling unit, engineering services contributions shall be payable on submission of the building plan as determined by the Municipality.
- 5.2.5 Where the local authority grants consent for the erection of an additional dwelling unit in a zone other than "Residential" with a low density, "Agricultural" or "Rural residential", the total coverage of the Erf not be exceeded.
- 5.2.6 Application requiring the decrease of the FAR or the increase of the FAR up to 15%, shall be made in terms of Clause 9.4⁴;

5.3 Provisions related to coverage

- 5.3.1 No building shall be erected with a greater coverage than that set out in the table referring to Coverage in the development controls of the applicable overlay zone. Provided that:
- a) A building includes fire escapes and all outbuildings on the same site;
 - b) The space occupied by sky-lights, parapets, pitched-roofing, roof overhanging or similar projections and chimneys shall not count as coverage;

³Permanent Departure A

⁴Permanent Departure A

- c) All structures which are not covered by a durable and waterproof roof shall not be taken into account; and
- d) Application requiring the increase of the Coverage by 15%, shall be made in terms of Clause 9.5⁵;

5.4 Provisions related to height

- 5.4.1 No building shall be higher than the number of storeys set out in the table referring to height in the development controls of the applicable overlay zone, provided that:
- a) Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account;
 - b) Where 75 % or more of a floor is used for the parking of vehicles, it shall not be counted as a storey;
 - c) For the purposes of this section basements shall not be included as a storey: provided that the floor area ratio as determined in the Scheme is not exceeded;
 - d) For the purpose of this section the maximum height of a storey of a residential building shall not exceed six (6) m in respect of the ground storey and 4,5 m in respect of any other storey.
 - e) Application requiring the increase of height by 1(one) storey, shall be made in terms of Clause 9.5⁶;

5.5 Provisions related to building lines

- 5.5.1 No building shall be erected closer to a street boundary than the distance shown in terms of the table referring to building lines of the development controls of the applicable overlay zone, provided that:
- a) No buildings or structures, other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations to be executed on the property, shall be erected within any building restriction area;
 - b) Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies;
 - c) Existing buildings within the building restriction area are not subject to compliance or are deemed compliant if affected by a newly established building restriction area, resulting from an approved subdivision: Provided that any additions to such existing buildings shall be subject to the limitations of the building restriction area;
 - d) The Municipality may, in its discretion, relax the building line in terms of Clause 9.6⁷;
 - e) The building line relaxation is only for the erection of the structure as shown on the site plan which accompanied the application.

⁵Permanent Departure B

⁶ Permanent Departure B

⁷Building line relaxation procedure

- 5.5.2 The area between the property boundary and the building line applying to such boundary shall be open space and shall allow unobstructed access to authorised persons at all times: Provided that such area may be landscaped and also be used for the parking of motor vehicles.
- 5.5.3 Building lines imposed in terms of the provisions of this Scheme shall not be construed as replacing building lines laid down by title conditions, the controlling authority or stipulated by other legislation.
- 5.5.4 Where shops, service industries, office uses and (if permitted) commercial uses, light industrial uses and industrial uses erected in any business use zone conform to a building line allowed by the municipality, no goods, merchandise, wares or other obstructions excluding the parking of motor vehicles shall be placed, deposited, kept, stored or displayed on the area between the street boundary and any such building line.
- 5.5.5 The municipality may permit the erection of a gate house between the building line and the street boundary of an Erf between the building line and the road boundary, subject to such conditions as it may deem fit.
- 5.5.6 The Municipality may, in its discretion and subject to such conditions as the Municipality may deem fit:
- a) Permit the erection and use of a temporary structure within the building restriction area;
 - b) Permit the erection of a swimming pool or a tennis court within the building restriction area;

Table 1

Use zone	Building line in meters		
	On street boundary	On rear boundaries	On other boundaries
Agriculture	10	2	2
Business	5	2	2
Institutional	5	2	2
Industrial	5	2	2
Government	5	2	2
Municipal	5	2	2
Open Space	5	2	2
Residential	5	2	2
Rural Residential	5	2	2
Rural Settlement	5	2	2
Tourism	5	2	2
Protected areas	-	-	-
Transportation	8	5	5
Public service infrastructure	0	2	2
Mining	10	5	5
Special	5	2	2

- 5.5.7 Except when otherwise indicated on the Map or Schedules the properties adjacent to provincial or national roads shall be subject to the following:
- a) The registered owner shall confirm the applicable building line with the relevant authority.
 - b) The registered owner of the Erf shall erect and maintain a physical barrier to the satisfaction of the Local Municipality or a fence of such other material as may be approved by the Local Municipality in accordance with the standards prescribed by the Controlling Authority, prior to or during the development of the property along the boundaries of the property adjacent to the National Road or Provincial Road;
 - c) Except for the physical barrier referred to in (a) above, a swimming pool or any essential storm water drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the Erf from the boundary of the property adjacent to the National Road or Provincial Road and no alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the Controlling Authority.

5.6 Provisions related to parking and loading requirements

- 5.6.1 Any person intending to erect, alter or extend a building or development or use any Erf located within the Mbombela CBD and Extended CBD as earmarked in terms of the relevant Municipal SDF, shall provide parking at 6 parking bay's per 100 m² GLA onsite parking, irrespective of the land use and irrespective of the standards and requirements as set out in Table 2.
- 5.6.2 Any person intending to erect, alter or extend a building or development or use any Erf shall provide onsite parking within the boundaries of the site in accordance with the standards and requirements as set out in Table 2.
- 5.6.3 When computing the total number of parking and loading spaces required in respect of any specific use or building, such number shall be determined to the greater whole number of parking/loading space.
- 5.6.4 Where the use proposed is not contained in this clause, parking shall be provided at the discretion of the General Manager: City planning and development.
- 5.6.5 A parking space shall be an area which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Municipality. The parking space plus manoeuvring area of the parking shall be to the satisfaction of the Municipality.
- 5.6.6 The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the Municipality, unless the Municipality has provided loading facilities in the street reserve.
- 5.6.7 The gross floor area per loading space shall be calculated at 50 m² and shall be applicable to new buildings and/ or additions.

- 5.6.8 The levying of a parking fee for the hire of parking spaces provided in terms of this section shall not be regarded as a business.
- 5.6.9 Notwithstanding any provision of this Clause the Council may, at its sole discretion, in lieu of the provision of on-site parking by the developer:
- a) Instruct a developer to provide at his own cost and to the satisfaction of Council the number of car parking spaces that the developer would have been required to provide on-site in terms of the Scheme, on land reserved in terms of the Scheme for public vehicular parking purposes;
 - b) Agree to a developer providing public vehicular parking on another site, which has been identified by the Developer and is acceptable to the Council and further subject to the registration of a Notarial Deed in restraint of separate alienation of the land concerned;
 - c) Provided that the vehicular parking as contemplated in sub-clauses (a) and (b) above, shall be constructed and completed to the satisfaction of the Council before a building completion certificate, as provided for in the National Building Regulations and Building Standards Act (Act 103 of 1977), as amended, is issued in respect of the building or buildings to which the provision of the relevant vehicular parking relates; and
 - d) Instruct a developer to contribute to a Parking Reserve Fund by way of a payment in lieu of the provision of on-site parking. The payment shall be calculated on the basis of the actual cost to the Council or its nominee of providing on land designated in the Scheme for public vehicular parking purposes, the number of car parking spaces, that would have been required to be provided by the developer on the site of the development in terms of the Scheme.

Table 2 : Onsite parking and loading requirements

Land Use	Number of parking spaces	Loading requirements
Abattoir	5 spaces for the first 100 m ² floor area or part thereof and 2 spaces for every 1000 m ² thereafter, or part thereof	2 spaces per 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Adult entertainment business	6 spaces per 100 m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Agricultural buildings	1 space per 100 m ² floor area and 3 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Agricultural housing	1 space per every 3 dwelling units	n/a
Agricultural industry	1 space per 100 m ² floor area or part thereof and 4.5 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Agri-Village	2 spaces per every 3 dwelling units	At least 1 space thereof
Airfield	2 spaces for the first 100 m ² floor area or part thereof and 1 space for every 100 m ² thereafter, or part thereof	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ²

Land Use	Number of parking spaces	Loading requirements
		floor area thereafter
Airport	2 spaces for the first 100 m ² floor area or part thereof and 1 space for every 100 m ² thereafter, or part thereof	2 space per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Animal refuge	3 space per 100 m ² floor area	2 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Auction center	40% of property reserved for parking and loading requirements	
Back-packer inn	2 space for every 5 beds	n/a
Bakery	3 spaces per 100 m ² floor area	2 space per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Boarding house	1 space per room and 1 space for every 3 rooms	n/a
Botanical garden	3 spaces per hectare or part thereof.	n/a
Boutique Hotel	1 space per room and 6 spaces per 100 m ² public area or 6 spaces per 100 m ² conference area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Brickyard	40 % of property reserved for parking and loading requirements	
Builder's Yard	40 % of property reserved for parking and loading requirements	
Bulk retail trade	3 spaces per 100 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Camping site	1 Space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100 m ² office floor area and 1 space per 4 seats and 6 spaces per 100 m ² place of refreshment public floor areas 6 spaces per 100 m ² retail floor area	n/a
Canteen	2 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Carwash	6 spaces per 100 m ² area or part thereof	n/a
Cemetery	As the municipality require	
Child day-care centre	1 space per 4 children dropoff area and 1 space per classroom/office	n/a
Clinic	1 space per bed or 4 per 100 m ² or part thereof	n/a
Coal yard	40 % of property reserved for parking and loading requirements	
Commonage	6 spaces per 100 m ² informal trade floor area.	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Confectioner	6 spaces per 100 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.

Land Use	Number of parking spaces	Loading requirements
Conference centre	6 spaces per 100 m ² floor area and 1 space per 4 seats	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Crèche	1 space per 4 children dropoff area and 1 space per classroom/office	n/a
Crematorium	3 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Drive through Restaurant	8 spaces per 100 m ² public floor area	2 space per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Dry cleaner	3 space per 100 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Dwelling house	two spaces on-site per unit.	n/a
Dwelling unit	1 covered space per dwelling unit of 3 living rooms or less, 1 covered and 1 uncovered parking space per dwelling unit with 4 or more living rooms and 1 uncovered parking space per 3 dwelling units for visitors	1 space per 100 m ² dwelling units
Environmental facilities	6 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Factory shop	6 spaces per 100 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Farm stall	6 spaces per 1000 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Filing station	40 % of property reserved for parking and loading requirements and 6 parking spaces per 100 m ² retail floor area	
Feuling facility	40% of property reserved for parking and loading requirements	
Funeral parlour	3 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Gaming establishment	6 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Government use	4,5 spaces per 100 m ² office floor area and 6 spaces per 100 m ² public floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Guest house	1 space per guest room and 1 space for	n/a

Land Use	Number of parking spaces	Loading requirements
	the manager	
Gymnasium	6 space per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Heavy vehicle parking depot	40 % of property or site reserved for parking and loading requirements	
Heliport	4,5 spaces per 100 m ² office floor area, 1 space per 100 m ² repair facility and 1 space per rotary wing aircraft storage unit.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Home occupation	2 parking spaces	n/a
Hospital	0.7 space per bed 4.5 spaces per 100 m ² office and 6 parking spaces per 100 m ² consulting rooms	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Hotel	1 space per room and 6 spaces per 100 m ² public floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Industry	1 space per 100 m ² floor area and 4,5 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Institution	6 spaces per 100 m ² floor area and 1 space per 4 seats	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Laboratory	3 spaces per 100 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Launderette	6 spaces per 100 m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Lodge	1 space per guest room or suite and 6 spaces per 100 m ² public floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Market	3 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Medical suites	6 space per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Mining	As approved by the local municipality	
Mobile dwelling unit	40 % of property reserved for parking and loading requirements	
Mortuary	3 space per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor

Land Use	Number of parking spaces	Loading requirements
		area thereafter
Municipal purposes	4,5 spaces per 100 m ² office floor area and 6 spaces per 100 m ² public floor area and 1 space per 4 seats	1 space per first 2000 m ² floor area or part thereof and 1 space per every 2000 m ² floor area thereafter
Noxious industries	1 space per 100 m ² floor area and 3 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Nursery	6 spaces per 100 m ² display floor area	2 space per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Office	4,5 spaces per 100 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Petro-port	40% of property reserved for parking and loading requirements	
Place of amusement	9 spaces per 100 m ² public floor area	2 spaces per first 1000 m ² floor area thereafter
Place of education	4.5 spaces per 100 m ² office floor area and 1 space per classroom for teachers and four additional space per classroom drop-off facilities Must be able to provide overflow parking on the sports fields.	1 drop-off space for buses per 100 students
Place of public worship	9 spaces per 100 m ² (research – national parking standards)	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Place of refreshment	8 spaces per 100 m ² public floor area.	2 space per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Prison	4,5 spaces per 100 m ² office floor area and 1 space per 10 holding cells	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter.
Private open space	1 space per 100 m ² sport, recreation or play area	n/a
Public open space	1 space per 100 m ² sport, recreation or play area	n/a
Public transport rank	4,5 spaces per 100 m ² office floor area and 6 spaces per 100 m ² public floor	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Railway station	4,5 spaces per 100 m ² office floor area and 6 spaces per 100 m ² public floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Recycling centre	3 spaces per 100 m ² floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ²

Land Use	Number of parking spaces	Loading requirements
		floor area thereafter
Resort	1 space per room and 6 spaces per 100 m ² public floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Retail shop	6 spaces per 100 m ² floor area Shopping center: Neighborhood (<5000 m ²) = 7 spaces per 100 m ² GLA Community (5000 – 15 000 m ²) = 6 spaces per 100 m ² GLA Regional (> 15 000 m ²) = 5 spaces per 100 m ² GLA	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Retirement village	1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Riding stables	0,7 spaces per stable	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Sawmill	1 space per 100 m ² floor area and 4,5 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Scrap yard	1 space per 100 m ² floor area and 4,5 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Service retail	1 space per 100 m ² floor area and 4,5 spaces per 100 m ² office floor area	2 spaces per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Sewer purification plant	As the municipality require	
Social hall	4,5 spaces per 100 m ² office floor area and 6 spaces per 100 m ² public floor area and 1 space per 4 seats	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Sport and recreational grounds	1 space per 4 seats and 6 spaces per 100 m ² public floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Student accommodation	1 space per 2 students and 1 space for the homeowner/property manager	n/a
Tavern	1 space per 4 seats	
Telecommunication infrastructure	As the municipality require	
Tourist facilities	6 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Traditional healing	3 spaces per 100 m ² floor area	1 space per first 2000 m ² floor

Land Use	Number of parking spaces	Loading requirements
practice		area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Tuck shop	2 spaces on-site	n/a
Tavern	8 spaces per 100 m ² public floor area.	
Utility	As the municipality require	
Vehicle sales market	4.5 spaces per 100 m ² office floor area 2 parking bay per 100 m ² showroom floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Veterninary clinic	6 spaces per 100 m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter
Warehousing and packaging	1 space per 100 m ² floor area and 3 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Waste disposal site	As the municipality require	
Wholesale trade	1 space per 100 m ² trade floor area dn 3 spaces per 100 m ² office floor area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter
Wood yard	40% of property reserved for parking and loading requirments	
4 X 4 trail	4,5 spaces per 100 m ² office floor area and sufficeint area for parking of the participating 4 x 4 vehicles and sufficeitn parking area for spectators	n/a
Zoological garden	6 spaces per hectare uncovered exhibition floor area and 4,5 spaces per 100 m ² covered exhibition floor area	1 space per first 2000 m ² covered or uncovered floor area, or part thereof and 1 space per every 2000 m ² covered floor area thereafter

5.7 Site Development plans

5.7.1 The landowner shall submit a site development plan for approval on:

- a) All developments other than a single dwelling house on a property;
- b) Where it is a condition to an approval; and
- c) Where the municipality requests it.

5.7.2 Where a Site Development Plan (SDP) is required, it may be approved simultaneously with any building plan by the Municipality, as one set of plans, in connection with the proposed development.

5.7.3 The Municipality may approve or refuse an SDP or may request amendments thereof.

5.7.4 If a SDP has been approved, the owner(s) of the application property shall, if he/she wishes to amend the SDP, submit the amended SDP to the Municipality. The Municipality may approve or refuse the proposed amendment of the SDP.

- 5.7.5 The Municipality may, at its sole discretion, accept a "draft" SDP submitted in support of an application and approve of both the "draft" SDP and the concerned application. Such draft SDP may digress from the regulations under section 5.7.10 but must contain sufficient information to enable the consideration of the application.
- 5.7.6 If a draft SDP has been approved on a property, the SDP submitted for approval shall not deviate from the approved draft.
- 5.7.7 The Municipality shall not approve any building plan which does not comply with the proposals in the approved SDP with particular reference to the elevation and architectural treatment of the proposed building or structure.
- 5.7.8 No building shall be erected on the property before such SDP has been approved by the Municipality and the whole development on the property shall be in accordance with the approved SDP, with the understanding that the Municipality may approve building plans that deviate within reason from the approved SDP.
- 5.7.9 Buildings may be sited contrary to any provision of the Municipal building by-laws, if such siting is in accordance with an approved SDP.
- 5.7.10 Unless the Municipality determines otherwise, an SDP or a detailed site plan must show at least the following (where applicable):
- a) A scale of 1:500 or such other scale as may be approved by the Municipality;
 - b) A north point;
 - c) The siting, height, floor area and coverage of all buildings and structure (proposed extensions included);
 - d) A schedule containing both the permitted/required development parameters and actual development parameters, including parking provision;
 - e) The elevation and architectural treatment of all buildings and structures;
 - f) Loading and off-loading areas;
 - g) A minimum of 10% landscaped or permeable areas on all land, which may include functional recreational areas, but exclude parking;
 - h) Entrances to and exits from the land (including access layout) and surrounding land and buildings;
 - i) If the erf is to be subdivided, the proposed subdivision lines;
 - j) Access to buildings and parking areas, as well as provision for the disabled;
 - k) Building restriction areas;
 - l) Parking areas (including surface treatment) and where required by the Municipality, circulation of vehicular and pedestrian traffic;
 - m) Parking bays shall be numbered and be cross referenced with the schedules in (l) above;
 - n) Public Transport Facilities (including taxi bays), where applicable;
 - o) The phasing and programming of future development, if it is not proposed to develop the whole property simultaneously;
 - p) Steps to be taken to control stormwater run-off, to the satisfaction of the Municipality;
 - q) Contours and flood-lines;
 - r) Existing and proposed engineering services;

- s) Cadastral information, including servitudes and adjoining properties, as well as buildings;
- t) Topographical and natural features, if so, required by the Municipality;
- u) Refuse areas and/or Refuse Collection Points.

5.7.11 An application for the relaxation of building lines in terms of Clause 9.6 may form part of the consideration of a SDP.

5.8 Dolomite area or on land with detrimental soil conditions

5.8.1 All erven in townships situated on dolomite areas or on land with detrimental soil conditions shall be subject to the following conditions:

- a) No French drain shall be permitted on the erf;
- b) Trenches and excavations for foundations, pipes, cables or for any other purpose shall be properly refilled with damp soil in layers not thicker than 150mm and shall be compacted until the same grad of compaction as that of the surrounding materials is obtained to the satisfaction of the Municipality;
- c) All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings;
- d) The entire surface of the erf shall be drained to the satisfaction of the Municipality in order to prevent surface water from damming up, and water from roof gutters shall be discharged away from the foundations;
- e) Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality;
- f) If required, a soil report and/or dolomitic stability study drawn up by a qualified person acceptable to the Municipality indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the Municipality simultaneously with the submission of building plans prior to the commencement of any building operations on the erf;
- g) Ramps and garden paths shall be sealed with tar, cement or bitumen in order to reduce the seepage of water from the surface to the satisfaction of the Municipality.

5.8.2 These conditions are applicable as contained in a geotechnical overlay zone (future addition), or the geotechnical report that was compiled for a township establishment.

5.9 Subdivision and Consolidation of land inclusive of township establishment

5.9.1 The following issues, as applicable, shall be considered when an application for subdivision, is evaluated:

- a) All erven shown on a General Plan, as approved by the Surveyor General before 1 September 1970 shall be entitled to a relaxation of the density provision, not exceeding 1% of the area;
- b) In calculating the area of a corner Erf the portion thereof cut-off by the splay shall be included in the area of the erf for the purpose of density and FAR;
- c) Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, and provided that such portion does not fall below 75 % of the minimum area as laid down in the Square meters allowed per Erf for the said land, the portion separated may be regarded as an existing erf.

5.10 Subdivision of farm land

5.10.1 Conditions applicable to the subdivision of farmland for the exclusive utilization of land for agricultural purposes:

- a) Subdivisions will be subject to the consent of Department of Agriculture Fisheries and Forestry or its successor, on farm portions located outside the urban edge and farm portions inside the urban edge only if the farm portion is not excluded from the provisions of the Subdivision of Agricultural Land Act 70 (Act 70 of 1970) or subsequent legislation;

5.10.2 Conditions applicable to the subdivision of farm land for the utilisation of land other than agricultural purposes

- a) Subdivisions only be allowed where it is preceded by a successful land use rights application if applicable;
- b) Access to each subdivided portion by means of a public road or a registered right-of-way servitude with a minimum width of 16 meters;
- c) The applicant is responsible for the upliftment of any restrictive title conditions;
- d) The applicant will be responsible for any costs incurred if the proposed subdivision results in the replacement, alteration or amendment of any existing municipal services;
- e) Proof of sufficient potable household water be provided for each subdivided portion with a minimum of 1 500 liters per day prior to approval of the subdivision;
- f) Septic tanks and french drains should be build according to engineering standards and DWAF specifications;
- g) No septic tank/french drain will be allowed within the 1:50 year flood line or closer than 100m from any open water or bore hole;
- h) Consent from Controlling Authority must be obtained where direct access is required from a provincial or national road;
- i) Approval of building plans prior to the construction of any structure or building;
- j) Obtaining the consent of the relevant irrigation board, if applicable;
- k) A minimum size of 1-hectare (10 000 m²) per subdivided portion, with a relaxation of up to 8 565m² (one morgen) that may be granted under special conditions;
- l) Subdivisions into smaller portions can be considered on merit in cases where such a smaller portion is separated from the remainder of the farm by a road / street, railway line or canal;
- m) A developer will be responsible for distribution of water to the relevant subdivisions including the registration of suitable servitudes of aqueduct;

- n) The developer will be responsible for the establishment of a section 21 Company (property owners association) that will be responsible for paying all charges and levies raised by the board or the State, from time to time. All the owners in the development must belong in perpetuity to the association (enforced as a condition of title.);

5.11 Pan handle erven

5.11.1 Notwithstanding any conditions that are applicable regarding the subdivision of erven in terms of the Ordinance or this scheme, the following further conditions are applicable to pan-handle subdivisions:

- a) The panhandle shall provide access from a street to the panhandle portion;
- b) The minimum width for the access portion of a panhandle erf shall be 3 meters, in case of a shared panhandle 6 metres;
- c) The area of the panhandle portion, excluding the panhandle, shall be in accordance with the density requirements of this scheme;
- d) Except with the written consent of the municipality the slope of the panhandle shall not exceed 1:8;
- e) A panhandle shall provide access only to the Erf of which it forms part as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the municipality otherwise determines;
- f) The registered owner of the panhandle shall at his own expense pave the panhandle to the satisfaction of the local municipality;
- g) The maintenance and construction of a shared pan handle shall be shared between the affected parties.

5.12 Entrance structures, pergolas, garden ornaments, garden walls and fences, swimming pools and tennis courts

5.12.1 Nothing contained in this Scheme shall be so construed as to prohibit the erection of entrance structures (other than entrance halls and entrance passages), guard houses and boom gates with ancillary offices related to the specific development, storage and refuse areas, pergolas, garden ornaments, boundary walls and fences, garden walls, swimming pools or tennis courts.

5.12.2 The structure mentioned shall be regarded as part of the approved development and land use rights on the property.

5.12.3 Garden ornaments, entrance structures, guard houses, boundary fences, garden walls, fences, pergolas, external stairs and advertising sign (as approved in terms of the Outdoor Advertising By-Law of the Municipality) and any other structure which is not covered by a roof, provided that overhanging eaves, shade netting or a port-cochere do not require a building lien relaxation application.

5.12.4 The maximum height of a boundary wall or fence on the street boundary is 1,8m.

- 5.12.5 At least 40% of a boundary wall or fence on a street boundary must be visually permeable, and gates, entrance structures and buildings situated on the street boundary will be included in the calculation of the requirement.
- 5.12.6 The maximum height of a boundary wall or fence on a common boundary is 2,1m.
- 5.12.7 If a land unit is a corner property, or is abutted by more than one street, the Municipality may, for the purposes of applying the boundary wall requirements, deem one or more street boundaries to be common boundaries to ensure that a property can be walled sufficiently to provide for privacy, provided that a minimum of one street boundary will comply with the street boundary requirements.
- 5.12.8 Solid portions of a wall shall not interfere with sight lines of vehicles entering or leaving a property or passing traffic.
- 5.12.9 Where a common boundary abuts a land unit zoned Open Space Zone, the Municipality may require that at least 40% of the boundary wall or fence on such a common boundary is visually permeable. The height of boundary walls and boundary fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence. If the ground level slopes longitudinally along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and when the wall/fence is stepped, such stepping shall be in a series of even steps between piers (where necessary). The deviation from this section shall be at the discretion of the Municipality provided that such deviation shall not be more than 15% of the permitted height.
- 5.12.10 The height of additional security precautions such as spikes, electrical fencing/wiring, and such like is restricted to 400mm above the height of a wall or fence and shall be to the Municipality's satisfaction.
- 5.12.11 Electrical fencing shall comply with any Municipal guidelines on electrical security fence installations, the Electrical Machinery Regulations, the Occupational Health and Safety Act and any other applicable legislation.

5.13 Lines of no access

- 5.13.1 Entrance to and exit from a property from or to a public street or road whether it is prohibited across any boundary line, shall be shown on subdivision and township layout plans.
- 5.13.2 Entrance to and exit from a property from or to a public street or road may be prohibited across any boundary, provided that:
- a) The Local Municipality may, on receipt of a written application, relax the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree;

- b) Consent granted in terms of this clause shall not be construed as a relaxation of any restriction on access imposed by any other law or contained in the title deed of the property or imposed by the controlling authority.

5.14 Binding force of conditions

5.14.1 Where permission to erect any building or execute any works or to use any building or land for a particular purposes granted in terms of the Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

5.15 Saving for special purposes

5.15.1 Without prejudice to any powers of the Council derived from any law, or to the remainder of this Scheme, nothing in the afore going provisions of this part of the Scheme shall be construed as prohibiting or restricting or enabling the local authority to prohibit or restrict the following:

- a) The use of land or the erection of buildings required for the purposes of recreation or sports ground not being a recreational or sports ground ordinarily open to the public on payment of a fee;
- b) The letting of a dwelling house or dwelling unit on a long-term basis (agreements longer than 1 month) in such a manner that a maximum of one family with four other persons are accommodated therein; provided that if any additional persons and guest are to be accommodated, the use will be construed as that of a Guest House, Boarding House or Residential Building and the relevant permission therefore must be obtained.
- c) The occasional use of a place of public worship, place of instruction or institution, as a place of amusement or social hall;
- d) The practise, subject to the provisions of any applicable by-law, in or from any dwelling unit, dwelling house or residential building of a profession or occupation by a person who, with his family permanently occupies such dwelling unit, dwelling house or residential building for residential provided that no other person not residing on the property is employed in relation to the occupation or profession : purposes subject to the following conditions,
 - i. The applicant must reside permanently in the dwelling unit, dwelling house or residential building with his/her family and the total area used in terms of Clause office shall not exceed 25% of the total area of the dwelling unit, dwelling house or residential building (all outbuildings; garages; stoeps and verandas excluded).
 - ii. The consent granted will only be applicable for a maximum period of 36 months, after which time the applicant must indicate whether he/she is in a position to relocate to a business area and if not such applicant must re-apply for the consent of Council.
 - iii. The structure of the dwelling unit, dwelling house or residential building may not be amended/altered or enlarged in any manner so as to increase

the area of the main structure, after the consent of the Council has been granted: Provided that the Council may consider such an amendment/alteration or enlargement on submission of a site development plan indicating the proposed alterations together with the consent use application.

- iv. A single notice or sign-board ordinarily exhibited on a dwelling house or dwelling unit to indicate the name and profession of the applicant may be displayed and such notice or sign-board shall not be larger than 300mm x 420mm (A3) and must comply with the advertising by-laws of the Council.
- v. The employment or taking into a partnership of a maximum of two persons is permissible only with the consent of the Council. This means that strictly a maximum of only three people (including applicant, partner, secretary, receptionist, messenger, cleaner, clerk, etc.) will be permitted to work at or from the proposed home office.
- vi. Application shall be made in terms of Clause 9.2⁸
- vii. A non-public orientated administrative business shall be permitted to operate from a home office, but any type of retail, industrial activities, noxious industries, workshops (any repair work) service industries and public orientated activities / offices (e.g. medical doctors / dentists) are excluded; provided that Council may consider other uses or activities after receiving a written application and on condition that the proposed use or activity will not interfere, with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance or smell of activities or any other reason whatsoever.
- viii. The required parking spaces as determined in table must be provided on the property and no parking will be allowed in the road reserve of any public street or on public open spaces (parks). A site plan indicating the required parking spaces must be submitted with the application.
- ix. A special rate for property taxes shall be levied where Council has approved such an application. This rate will be applicable on the relevant property up to the date on which the owner/applicant notifies the Council in writing that the use has been terminated.
- x. The following business activities are not allowed in residential units, residential buildings or residential dwelling houses:
 - Retail in the form of shops
 - Noxious industries
 - Wholesale trade
 - Restaurants
 - Places of entertainment
 - Places of amusement
 - Funeral undertaking
 - Tourism/visitors information bureau
 - Building society agency
 - Bank agency
 - Kennels

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- Escort agency
- Tow-in service
- Motor workshop
- Car wash
- Place of instruction for more than 6 people with the exception for pre-schools, day care centres, day mothers and play groups.
- Panel beater
- Parcel delivering service
- Radio control, telephone exchange
- Travel agency
- Shooting range
- Blasting contractor
- Butcher
- Spray painter
- Taxi business
- Fish fryer
- Selling of vehicles
- Manufacturing of concrete products
- Packaging contractor
- Place of refreshment
- Transport undertaking
- Drycleaners
- Institutions with the exception of pre-schools, day care centres, day mothers and play groups
- Warehouses
- Scrap yard
- Security businesses
- Builders yard
- Building or construction contractor
- Employment or recruitment agency.

- xi. For purposes of this regulation, a non-public orientated business means a business that does not provide a direct service to the public and thus has low-frequency client visits (they visit their clients!). The land use is not traffic-generating and can, therefore, be considered to locate in residential areas.

5.16 Maintenance of property

5.16.1 Property must be properly maintained by the owner or occupier and may not:

- a) Interfere with the amenity, character and aesthetics of the neighbourhood. The owner(s) shall be responsible for the maintenance of the entire property, including landscaping;
- b) Be left neglected or in an offensive state, as may be determined by the Municipality;
- c) Contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality; (contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this Land Use Scheme).

- 5.16.2 Where the amenity of the area in the opinion of the Municipality , negatively affected by the conditions of any garden, building, boundary fence or wall, or any development or activity on any land in the area, the Municipality may serve a notice to the owner(s) of the property, on which the injurious condition exists, in order to take such action as may be necessary to abate the injurious condition. The said notice may specify the measures to be taken to abate the injurious conditions and shall specify a time period within which such measures have to be undertaken.
- 5.16.3 Should the owner(s) fail to abide with the notice mentioned above, the Municipality shall be entitled to undertake such maintenance and/or measures at the cost of the owner(s).

5.17 Conditions in townships

- 5.17.1 An Erf in any township established within the area of this Scheme and any Erf or other property rezoned hereafter, shall, in addition to any other conditions, which may be specifically imposed, be subject to the following conditions unless any such Erf or property is specifically exempted:
- 5.17.2 Conditions applicable to all use zones:
- a) Except with the written consent of the Local Municipality and subject to such conditions as it may impose neither the owner nor any other person shall:
 - i. Have the right, save and except to prepare the Erf for building purposes, to excavate any material there from;
 - ii. Sink any boreholes thereon or abstract any subterranean water there from; or
 - iii. Make or permit to be made, on the property for any purposes whatsoever, any tiles or earthenware pipes or other articles of a like nature (these conditions shall not apply to industrial use zones).
 - b) No person shall be permitted to sink any well and water may only be extracted from boreholes with electrical driven pumping equipment;
 - c) Where in the opinion of the Local Municipality it is impracticable for storm water to be drained from higher lying erven direct to a public street or stream the owner of the lower lying Erf shall be obliged to accept and/ or permit passage over the Erf of such storm water:-Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying Erf, shall negotiate point of discharge and shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying Erf may find necessary to lay or construct for the purpose of conducting the water to discharged over the Erf;
 - d) If a property is affected by a 1:100 year flood line no building may be erected below the elevation of such flood line unless the Local Municipality has approved specific proposals relating to the manner of construction, siting of buildings, material used, alteration of flood line by raising the natural elevation of the land, etc;
 - e) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, before, the outbuildings;

- f) The loading and off-loading of goods shall only take place within the boundaries of the Erf to the satisfaction of the Local Municipality unless loading facilities have been provided by the Local Municipality in the street reserve;
- g) The position of buildings, including outbuildings, on the Erf and entrances to and exists from the Erf, the construction and maintenance of internal roads and landscaping of the Erf, where required to a public street system shall be done in consultation with and to the satisfaction of the Local Municipality;
- h) A screen wall or walls shall be erected and maintained to the satisfaction of the Local Municipality as and when required by it;
- i) If the property is fenced, such fence and the maintenance thereof shall be to the satisfaction of the Local Municipality;
- j) The registered owner is responsible for the maintenance of the whole development of the property. If the Local Municipality is of the opinion that the property or any portion of the development is not kept in a satisfactory state of maintenance the Local Municipality shall be entitled to undertake such maintenance at the cost of the registered owner;
- k) No material or goods of any nature whatsoever shall be dumped or placed within the building restriction along any street and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary this condition may be relaxed by the Local Municipality and subject to such conditions as may be determined by it;
- l) A site development plan, drawn to a scale of 1:500, or such other scale may be approved by the Local Municipality shall be submitted to the Local Municipality in terms of Clause 5.7;

CHAPTER 6: CONDITIONS APPLICABLE TO SPECIFIC DEVELOPMENTS

6.1 Conditions applicable to play and recreation area in residential complexes

- 6.1.1 Where a residential complex is developed at a density greater than 20 units per hectare, the developer shall, make available at least 12,5 m² per dwelling unit for play and recreation areas.
- 6.1.2 The play and recreation areas shall have physical characteristics and locations which render them readily usable for appropriate recreational purposes, and their locations shall be selected with a view to minimize hazards from vehicular traffic and to maximize security.
- 6.1.3 The recreation areas shall incorporate landscaping and shall be properly maintained by the body corporate or similar body. The areas shall accommodate children's play apparatus.
- 6.1.4 No such area may be smaller than 250m² and shall provide for level areas to promote children's games.
- 6.1.5 Where a residential complex is developed at a density greater than 20 units per hectare and the development allows for a private garden for each dwelling unit, clause 6.1.1 to 6.1.4 shall not be applicable.

6.2 Conditions applicable to additional dwelling units on farms/agricultural holdings

- 6.2.1 The applicant be responsible for the upliftment of any restrictive title conditions, if applicable.
- 6.2.2 Proof of sufficient potable household water be provided for each dwelling unit, with a minimum of 1 500 liters per day, prior to the approval of building plans.
- 6.2.3 Proof of the sustainability of boreholes be provided, if used as source for household water prior to the approval of building plans.
- 6.2.4 Septic tanks and French drains be built according to engineering standards and DWAF specifications.
- 6.2.5 Approval of building plans prior to the construction of the additional dwelling unit.
- 6.2.6 Sufficient access to the additional dwelling unit be provided and if applicable a necessary right-of-way servitude be registered.

6.3 Conditions applicable to the establishment of taverns within residential areas

- 6.3.1 An entire dwelling house may not be converted for the purposes of a tavern.

- 6.3.2 The minimum stand size of a residential stand to be considered for the purposes of a tavern shall be 300m².
- 6.3.3 The proposed tavern facility/activity must be subservient to the main use, namely dwelling house and therefore the floor area of the proposed tavern must not be more than 50% of the floor area of the existing dwelling house.
- 6.3.4 The owner of the tavern shall permanently reside on the property.
- 6.3.5 A tavern shall refer to a use of an outbuilding or portion of a dwelling unit by the occupant of the dwelling unit for the sale of alcoholic beverages and may include an indoor seated area for the consumption of alcoholic beverages on the property, as well as pool tables or any other indoor gaming activities, excluding a restaurant or gaming establishment, provided that the use is subservient to the main use.
- 6.3.6 Male and female ablution facilities shall be provided.
- 6.3.7 The applicant shall not conduct any other use than that of a tavern (as approved by the municipality) and if the owner wants to conduct an additional use on the property, the owner/occupant shall re-apply.
- 6.3.8 The main use of the building shall remain residential.
- 6.3.9 No noise pollution shall be allowed, and noise levels must comply with the Health requirement in residential areas.
- 6.3.10 Parking shall be provided in a ratio of 1 parking space per 4 seats.
- 6.3.11 The tavern shall not be allowed within a radius of 500 meters from land uses such as Places of Public Worship and Places of Instruction.
- 6.3.12 The land use cannot be exercised until such time a liquor license has been granted by the relevant authority
- 6.3.13 No illegal advertisement will be allowed on the premises except as provided in terms of the advertising by-law of the municipality.
- 6.3.14 All consumption of liquor should be within the property.
- 6.3.15 A brick wall with a minimum height of 1,8 m must be built.
- 6.3.16 Trading hours shall be in accordance with the Liquor License.
- 6.3.17 Should the applicant fail to comply with any of the conditions, the municipality may withdraw the approval granted.

6.4 Conditions applicable to the establishment of bed and breakfast or guest house

- 6.4.1 Application for bed and breakfast or guest house on a low-density residential zoned property, shall be made in terms of Clause 9.2⁹.
- 6.4.2 The house be permanently occupied by the owner/manager of the bed and breakfast or guest house.
- 6.4.3 Adequate parking be provided on the said property and the said parking spaces be indicated on the building plans for the proposed development.
- 6.4.4 Should food be served/sold on the premises, the kitchen facilities comply with the criteria for food handling as required by the Health Department and no refreshments be sold to the general public, in other word non-residents.
- 6.4.5 For bed and breakfast a maximum of 4 rooms for a maximum of 8 occupants shall be permitted, although application may be made to the Local Municipality for a relaxation thereof;
- 6.4.6 For a guest house a maximum of 12 rooms or a maximum of 12 occupants, whichever is the least, shall be permitted in areas with a low-density residential zone.
- 6.4.7 The establishment of more than 12 guest rooms or more than 12 occupants, shall be supported on properties adjoining main roads and properties earmarked for high density residential development.
- 6.4.8 The necessary license and certificate of acceptability, must be obtained from the Health Department.
- 6.4.9 Should the appearance of the area be negatively influenced or in the event of any justifiable complaints in connection with the mentioned guest house, an approval made in terms of consent use may be withdrawn.
- 6.4.10 All advertising signs must comply with the Municipal By-Laws for control of outdoor advertising.
- 6.4.11 Should it at any time come to the attention of the municipality that the above conditions have been contravened, or the numbers of rooms do not coincide with the records, the municipality will take the necessary legal action to rectify such illegal land uses and/or approved consent use may be withdrawn.

6.5 Conditions applicable to the establishment of Child Day Care Centres

- 6.5.1 Application for the establishment of play groups, day mothers, afterschool care centres and pre-schools on "Residential" with low density zoned properties for more than six kids shall be made in terms of Clause 9.2¹⁰

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- 6.5.2 A sign consisting of a 1,5m x 1,5m board, indicating the name of the pre-school, day mother, play group or after school care centre may be affixed to the boundary wall or fence or the entrance door, on or to a wall in the entrance hall of the building used for the pre-school, day mother, playgroup or after school care centre within a residential area, but only one sign per erf shall be permitted;
- 6.5.3 Demarcated, paved parking spaces and ancillary vehicle maneuver area, shall be provided to the satisfaction of the Local Municipality and in accordance with Table 2.
- 6.5.4 The required parking spaces must be provided on the property and no parking will be allowed in the road reserve of any public street or on public open spaces (parks). A site plan indicating the required parking spaces must be submitted with the consent use application;
- 6.5.5 The pre-school, day mother or after school care centre may only operate between 6:00 and 17:00 during normal workdays and the play groups may only operate between 8:00 and 13:00 during normal workdays;
- 6.5.6 Should the appearance of the area be negatively influenced or in the event of any justifiable complaints in connection with the mentioned use, the consent approval will lapse;
- 6.5.7 the necessary license or health certificate must be obtained annually from the Health Department (a health certificate / license must only be issued after this department has approved the special consent use application);

6.6 Conditions applicable to the establishment of cellular mast

- 6.6.1 The applicant shall submit an application in terms of Clause 9.2¹¹
- 6.6.2 The Municipality will not take in any incomplete applications and will only consider application that have all the required documentation.
- 6.6.3 All documents required will be listed as part of the departmental administrative procedure.
- 6.6.4 It should be accepted that a profusion of masts could detract from the aesthetics of the build up natural environment. In order to facilitate the processing of application for the erection of cellular telephone masts and equipment, it is recommended that the following criteria should be applied to applications:
- a) Masts should preferably be erected in areas where there are spacious grounds;
 - b) Masts should not be erected where residential developments could be negatively impacted on;
 - c) Mast within the urban edge should be monopole structures;
 - d) Where possible the base of the masts should be screened by buildings or vegetation;

¹⁰Consent Use

¹¹Consent Use

- e) Masts should where possible not be erected on street frontages;
- f) Where necessary, masts should be painted a suitable colour;
- g) Masts should not be permitted to carry advertising signs;
- h) Where possible, antennas should be alternatively erected on existing buildings other, urban structures or infrastructure, for which applications should be submitted in terms of Clause 9.5;

6.6.5 The format of the application should comprise of the following:

- a) A site plan indicating:
 - i. The position of the masts and the control room in relation to features on and surrounding the site, i.e roads, buildings etc.
 - ii. Elevational and plan views of the masts and the control room indicating the height and dimensions of the mast infrastructure;
 - iii. Landscaping and screening proposals;
 - iv. Proposed access to the masts for maintenance purposes.
- b) Proof that local residents contiguous with the site and other interested parties to be identified by the Council, have been notified of the proposal.

6.6.6 The following conditions should be imposed as a standard procedure when granting consent to the erection of a mast and control room:

- a) The applicant should provide and maintain the landscaping indicated on the site plan to the satisfaction of the Council
- b) In the case of the termination of the use of any site for communication purposes, the applicant should be responsible for the restoring of the site to its former conditions by removing the foundation, fence, mast and any other infrastructure within three months from the date of such termination.

6.7 Conditions applicable to a filling station

6.7.1 Site access requirements

- c) The vehicular access and exit ways to and from the premises of a filling station shall not be more than 10 m wide where it crosses the street boundary;
- d) A wall, fence or landscaping must be erected or provided on the road boundary of the property concerned between such points of access and exit, to the satisfaction of Council in respect of its height and aesthetic appearance;
- e) The vehicular access and exit ways to and from the premises of a filling station shall, where they cross the boundary, shall be to the satisfaction of the local municipality.

6.7.2 Storage

- a) Any part of the premises of a filling station which is used for the storage of empty containers (such as oil drums and packing cases) or any other scrap whatsoever shall be enclosed with a suitable brick or concrete screen wall at least 32 m high.

6.7.3 A Site Development Plan

- a) All applications for a filing station shall be accompanied by a site development plan.
- b) Site Development Plan must indicate the following:
 - v. Vehicular access;
 - vi. Risk management in respect of fuel pumps and fuel storage areas;
 - vii. Screening of any storage area;
 - viii. Minimising any visual intrusion or operational disturbance with adjoining properties;
 - ix. The extent of the various activities.

6.8 Conditions applicable to areas with water courses

- 6.8.1 No physical development of any property shall occur within the following without the necessary consent received from the Department of Environmental Affairs and Tourism (Mpumalanga Province) or its successor in title:
- a) A wetland habitat;
 - b) The 1:100 year flood line of a river or stream;
 - c) The 32 metre buffer zone from the edge of a riparian zone of a river within the urban edge;
 - d) The 100 metre buffer zone from the edge of a riparian zone of a river outside the urban edge;
 - e) The 30 metres buffer zone from the outer edge of the temporary zone of a wetland or dam within the urban edge;
 - f) The 50 metres buffer zone from the outer edge of the temporary zone of a wetland or dam outside the urban edge.
- 6.8.2 No development shall take place within hydromorphic grassland.
- 6.8.3 A buffer zone, determined by a specialist acceptable to the Municipality, shall be created between the wetland and any proposed development.
- 6.8.4 The control and eradication of exotic and invasive species shall be implemented within wetland systems by the owner of such property.

6.9 Conditions applicable to High Biodiversity Areas

- 6.9.1 An application submitted on areas within high to medium high hyper diversity areas, important habitat types identified and areas with a vast number of species with a high conservation status as indicated on the Environmental Management Overlay Zone shall be submitted to the Environmental Affairs and Tourism (Mpumalanga Province) or its successor in title for evaluation and commenting purposes.
- 6.9.2 Development within high and medium to high hyper diversity areas, important habitat types identified and areas with a vast number of species with a high conservation status as indicated on the Environmental Management Overlay Zone shall be subject to

the following information if required by the Department of Environmental Affairs and Tourism (Mpumalanga Province) or its successor in title:

- a) A full ecological investigation in which functional and compositional aspects are dealt with;
- b) An alien and invasive vegetation investigation as state in the National Environmental Management: Biodiversity Act, 2004 (Section 71 (41)) and in any amendments thereof and should include:
 - i. Detailed list and descriptions of alien and invasive species;
 - ii. Description of infested sites;
 - iii. Assessment of extent of infestation;
 - iv. Status report on efficiency of previous control methods and future eradication measures.

6.9.3 In addition to the requirements set out in Clause 16.9.2 development within an area of high hyper diversity, as indicated in the Environmental Overlay Zone, shall be subject to the following information if required by the Department of Environmental Affairs and Tourism (Mpumalanga Province) or its successor in title:

- a) The area within which the habitat type occurs shall be zoned as a potential conservation and protection area;
- b) Identify taxon species lists;
- c) Identify which taxon (organism group- herpe to fauna, mammals, flora, avifuauna, Lepidoptera, aquatic fuana) exhibits high or medium to high biodiversity;
- d) A specialist within the field of the identified taxon must execute a full investigation on the taxon – including the identification of possible/ current threats and perceived impacts of the development on the species in the taxon;
- e) For a taxon with a low confidence level, a full investigation should be performed;
- f) If any species of high conservation status is recorded in the area, a full Red Data assessment will be required.

6.10 Conditions applicable to the establishment of student accommodation

6.10.1 It will not be necessary to submit a land use application for 'Consent' of the Council to permit the accommodation of not more than four students residing in a dwelling unit/erf.

6.10.2 An application in terms of Clause 9.2¹² shall be submitted for a maximum of fifteen (15) Student per single residential Erf or 15 rooms (whichever is the greater).

6.10.3 Student accommodation establishments intending to accommodate more than 15 student must apply for a rezoning to a zone which permits for multiple dwelling units in terms of this scheme.

6.10.4 Applications will be assessed on the basis of the following factors:

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- a) The applicable zoning
- b) Any objection received on or before the closing date in response to a publication of the application, as well as comments received from internal departments and other organs of the state
- c) Any response received from the applicant to objections or comments made;
- d) The impact of the proposed use on the amenity of the surrounding area and the anticipated impact on the character of the area, including but not limited to impact on traffic flow, noise and pollution generation;
- e) Applications will be assessed on the basis of the following factors:
 - i. Desirability of the contemplated utilization of the land concerned;
 - ii. Spatial guidelines, such as the Municipalities' SDF and precinct plans;
 - iii. Effects on the existing rights;
 - iv. The safety and welfare of the community;
 - v. The preservation of the natural and developed environment.

6.10.5 All applications will be assessed based on this scheme, the applicable density and intensification policies and in accordance with the City of Mbombela Spatial Development Framework.

6.10.6 Conditions of approval applicable to all consent and rezoning applications:

- a) Out buildings may be used as caretakers living area and or office, on condition that the office use must be subservient ancillary and subordinate to the main use;
- b) All meals and refreshments should be served exclusively to Students and no public bar and adult entertainment will be allowed on the facility. N.B.! no refreshments may be sold to the general public, in other words non-residents;
- c) Necessary license and certificate of satisfactoriness, must be obtained from the Department of Health, Fire, Labour or various Departments of relevance;
- d) Should the appearance of the area be a negative influence or in the event of any justifiable complaints in connection with the mentioned Student Accommodation, this approval may be withdrawn in terms of the provision of the by-law for a consent use;
- e) Should it at any time come to the attention of the municipality that the above conditions have been contravened, or that the use of the property is of nuisance to the adjacent property(ies) or owners, or the numbers of student do not coincide with the local authority records, the municipality will take the necessary legal action to rectify such illegal land uses and/ or approved consent may be withdrawn. Nuisance in this regard may include excessive noise, particularly late at night or in regard to regular partying. A twenty four (24) hour contact number to which residents or anyone can report any nuisance must be provided to the municipality and such number must be prominently displayed on the perimeter of the property;
- f) One (1) parking space to be provided for every two (2) student's accommodated, and 1 parking space for the homeowner/ property manager. No parking off premises is permitted. The application must indicate the total number of rooms as well as the maximum number of students anticipated;
- g) That the site development plan be submitted to the City of Mbombela together with the application for the student accommodation establishment;

- h) Off campus student accommodation facilities may be established only from an approved building, in terms of the National Building Regulations and Building Standards Act No 103 of 1977;
- i) The following minimum design standards are applicable (as per the policy on the minimum norms and standards for student housing at public universities) as Gazetted 29 September 2015;
- i. Residence designs must accommodate a maximum of two students per room;
 - ii. Single rooms must be no smaller than 8m², and double rooms must be no smaller than 14 m². These room dimensions are applicable to the design of all buildings;
 - iii. Dormitory/hall type residence buildings must comply with the following minimum standard and norms for ablution facilities:
 - Wash basins – 1 basin per 4 student residents;
 - Shower cubicles – 1 shower cubicle per 7 student residents;
 - Lavatories – 1 lavatory per 5 student residents;
 - Shower and lavatory cubicles must be designed in such a way that individual privacy is provided (i.e., no communal showers or toilets);
 - Telephones and/or alarm bells (depending on affordability to the university) must be placed in accessible and strategic locations, so that students with disabilities are not disadvantaged;
 - iv. The following minimum social spaces should be provided:
 - Large common/ meeting rooms – a minimum of 1,5 m² of communal space per student resident for the first 100 students and 1 m² per student resident for numbers in excess of 100. Such communal space shall comprise a combination of some or all of the following: communal lounges, games rooms, gymnasias, television rooms (smaller/meetings rooms at least 9 m²), meeting/seminar rooms, dedicated group study spaces, computer centres, or other appropriate spaces;
 - v. In terms of the provision of meals, residences are designed to be either self-catering or non-self-catering. In the case of non-self-catering residences the university must provide meals. In the case of self catering residences, the following minimum food preparation standards must be provided in a separate kitchen:
 - Suitable food storage, preparation and kitchen space shall be provided;
 - Stove – 1 four plate stove (with oven) per 8 students;
 - Cold storage – a minimum of a 320 litre capacity fridge/freezer combination is the minimum requirements per 8 students;
 - Sink – 1 per 15 students;
 - Lockable cupboards – 1 per student;
 - Microwave oven – 1 per 15 students;
 - Countertop space – sufficient for 25 % of the capacity of the student residents for simultaneous usage;
 - vi. The most cost effective access to internet, as determined by the university, is required in all residences. It is preferable that all student rooms have access to the internet for study purposes. All communal spaces designed for study

- purposes in residences must have internet access. All communal spaces designed for study purposes in residences must have internet access; and
- vii. Where self-catering facilities are provided for student with disabilities, universal design must include consideration of space to allow for independent movement of the student in the food preparation area and bathrooms. The positioning of all announcement features such as intercoms, telephones, counter loops and induction loop systems for those with hearing impairments, door handles, gates and warning signals must be considered to ensure universal design and barrier-free access to all pathways, entrances and doorways.
 - viii. Residential buildings/section title must submit written consent form a home owners association/body corporate.

6.10.7 Non- compliance with conditions of approval;

- a) The council may terminate any land use right granted or change conditions relating to a Consent granted if any breach of approval or conditions of approval has taken place;
- b) Prior to doing so, the Municipality must serve a notice on the owners:
 - i. Informing the owner of the alleged breach of the condition;
 - ii. Instructing the owner to rectify the breach within a specific time period;
 - iii. Allowing the owner to make representations on the notice within a specified time period.

6.10.8 Withdrawal and lapsing of an approval:

- a) The municipality may withdraw an approval granted for a consent use if the applicant or owner fails to comply with a condition of approval

6.11 Conditions applicable to Protected Areas

6.11.1 The objectives of Protected Areas, is as set out in the National Environmental Management: Protected Areas Act 57 OF 2003 (NEMPAA):

- a) To protect–
 - i. Areas of biodiversity importance that contains a viable, representative sample of South Africa's natural systems, scenic areas or cultural heritage sites;
 - ii. the ecological integrity of one or more ecosystems in the area;
- b) prevent exploitation or occupation inconsistent with the protection of the ecological integrity of the area;
- c) provide spiritual, scientific, educational, recreational and tourism opportunities which are environmentally compatible; and
- d) contribute to economic development, where feasible;
- e) for the management of protected areas in accordance with NEMPAA and its associated policies and norms and standards;
- f) for the continued existence, governance and functions of the Protected Area within the integrated landscape

- 6.11.2 Activities permitted under Protected Area's is in accordance with the declaration under NEMPAA Section 18; 20; 23; 28 and within full recognition of NEMPAA Chapter 4, Part 4, and as further informed by the particular area's NEMPAA compliant and MEC or Minister approved Management Plan.
- 6.11.3 Activities permitted with formal approval is approved activities in accordance with declaration under NEMPAA Section 18; 20; 23; 28 and within full recognition of NEMPAA Chapter 4, Part 4, and as further informed by the particular area's NEMPAA compliant and MEC or Minister approved Management Plan, and in consultation with Mbombela Municipality and Mpumalanga Tourism and Parks Agency or Department of Environmental Affairs.
- 6.11.4 Activities not permitted as in accordance with declaration under NEMPAA Section 18; 20; 23; 28 and within full recognition of NEMPAA Chapter 4, Part 4, and as further informed by the particular area's NEMPAA compliant and MEC or Minister approved Management Plan
- 6.11.5 Additional controls:
- a) All land use activities not reflected in the relevant Protected Area Management Plan or NEMPAA and its associated Strategies or Gazetted Government Notices should be referred back to the Protected Area's Management Authority for consideration;
 - b) If a MEC/Minister signed off, NEMPAA compliant, Management Plan is not in place, Mbombela Municipality can, at their discretion, practice full land use administration rights, as mandated under SPLUMA;
 - c) All land uses and associated activities are fully subject to all other environmental legislation and considerations;
 - d) Mbombela Municipality needs to comment when any land use changes or new developments occur, as mandated entity under SPLUMA;
 - e) Building Plans need to be submitted and approved by the Mbombela Municipality.

6.12 Conditions applicable to cemeteries

- 6.12.1 All relevant legislation relating to the establishment of cemeteries must be adhered to as contemplated in the National Environment Management Act, 1998 (Act No. 107 of 1998).
- 6.12.2 Land identified for use as a cemetery may not be less than 350 meters from away from surface water bodies and no less than 350 meters away from wells and boreholes.
- 6.12.3 A geo-technical and geo-hydrological investigation must be conducted.
- 6.12.4 The water table, as determined in the geo-hydrological investigation, may not be less than 2,5 meters below ground level.
- 6.12.5 The design of the cemetery with regards to the placement of uses, inclusive of parking areas, and the layout of the burial sites will be to the satisfaction of the Municipality.

CHAPTER 7: MANAGEMENT ZONES¹³

7.1 Context

- 7.1.1 A management zone is used to indicate, regulate and/or manage development issues of concern or importance within the Municipal area.
- 7.1.2 A management zone may contain any form of regulation regarded as necessary by the Municipality in its endeavour to ensure sustainable and safe development.
- 7.1.3 Management Zones are indicative and do not offer land use rights.
- 7.1.4 Such regulations contained in a management zone shall apply in addition to any other development regulation contained in the Scheme.
- 7.1.5 For any area that has not been proclaimed, the full township process, as contained in the by-law, should be followed. Any approvals and the registration of the township with the Deeds office.

7.2 Rural Incremental Land Use Management Zone

- 7.2.1 This management zone provides a mechanism for designating development management rules to deal with the specific land uses on rural areas over and above the provisions of the base zone. This zone should deal with the incremental introduction of land use management and regulation in rural areas and areas under the administration of traditional leadership and includes:
 - a) The layout of the settlement providing erven within the zone and the land use rights applicable to the erven;
 - b) The formalisation of the land use rights;
 - c) The provisions of Section 7.3 applies.

7.3 High intensity land uses

- 7.3.1 These high intensity land uses apply only to communal land as defined in the by-law.
- 7.3.2 The following land uses are deemed as high intensity land uses. Any applicant who aims to develop any high intensity land use on communal land should apply to the Local Municipality for approval:
 - a) abattoir;
 - b) cemetery;
 - c) community services, including educational institutions and health care facilities;
 - d) crematorium and funeral parlour;
 - e) factory;
 - f) filling station and public garage;

¹³Possibly to be included as an overlay zone, depending outcome of meetings with traditional authorities

- g) guest house;
- h) high density residential;
- i) industry and light industry;
- j) manufacturing, micro-manufacturing, retail selling and distribution as contemplated in the Liquor Act, 2003 (Act No. 59 of 2003);
- k) mining;
- l) noxious use;
- m) office;
- n) panel beating;
- o) place of worship;
- p) retail service, including a shopping complex and supermarket;
- q) scrapyards;
- r) tavern; and
- s) any other development which may require a specialist report, including a geotechnical report or environmental impact assessment

7.3.3 The expansion of settlement boundaries is also considered to be of a high impact and should be approved by the Local Municipality.

7.4 Conditions applicable to land use application in rural areas

7.4.1 An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of the land use scheme applicable to such area, must apply to the Municipality in the manner provided for in the By-Law.

7.4.2 The application must be accompanied by-

- a) A resolution from the responsible Traditional Authority Council; and
- b) Proof of a decision taken by the majority of the community members who will be affected by such development who are present at a meeting, of which they have been given sufficient notice and in which they have had a reasonable opportunity to participate, that was convened for the purpose of considering whether their informal right to land may be disposed of as a result of such high intensity development;
- c) And the provision of the municipal by-law applies to that application.

7.4.3 An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development is not regarded as high intensity in term of the scheme, must apply in terms of clause 9.3 of this by-law.

7.4.4 An applicant who submits an application for a low intensity development is exempt from the payment of application fees.

7.4.5 Where applicable, the applicant should submit the following:

- a) Proof of consent from such owners of abutting properties that are determined by the Municipality;

- b) A Site development plan or sketch sufficient for the Land Development Officer to make a decision; and
 - c) Minutes and an attendance register, signed off by a municipal official in attendance, of a public meeting held to consider the proposed development.
- 7.4.6 The local Municipality must develop shortened procedures for such applications.
- 7.4.7 The Local Municipality has, in its land use scheme, identified and defined each of the activities that is considers to be a high intensity development that will be subject to an application contemplated in the by-law.
- 7.4.8 The Municipality has, in its land use scheme, made provision for the incremental upgrading of an informal area (other than what is provided for in the municipal by-law).

CHAPTER 8: OVERLAY ZONES

8.1 Requirements for preparing an overlay zone

- 8.1.1 Preparation of an overlay zone shall take into consideration the following requirements where applicable:
- a) The principles contained in planning law;
 - b) The Council's planning vision and principles as set out in its integrated Development Plan;
 - c) Desired spatial form, including but not limited to the development of public and private land, infrastructure investment, utilisation of space, spatial reconstruction, location and nature of development, urban edge, scenic routes, areas of strategic intervention, mitigation of development impacts;
 - d) The principles as set out in approved spatial development framework or a policy plan;
 - e) Environmental and heritage protection and conservation; and
 - f) The principles of co-operative governance and the duties and objectives of local government as set out in the Municipal Systems Act and the National Constitution.
 - g) An overlay zone must not detract from Council's ability to serve the needs of the municipal area as a whole.

8.2 Adoption, replacement, amendment or recommending overly zones

- 8.2.1 Council may adopt, replace, amend or recommend overly zones that provide for development directives by following the rezoning procedures stipulated in planning law.
- 8.2.2 Council may grant departures form the development rules or restrictions or provisions of any overly zone without amending the overlay zone.

8.3 Status of overlay zones

- 8.3.1 An overlay zone applies in addition to the base zone or base zones of the properties to which it relates and may vary the development rules or use rights relating to a particular area or land unit or may set new development rules or use rights.
- 8.3.2 Any new development rules or rights indicated in additional to the base zone is not automatically granted and must be applied for in terms of the relevant section in terms of this scheme and the by-law on spatial planning and land use management.
- 8.3.3 The provisions of an overlay zone may be more restrictive or more permissive than the provisions applicable to the base zone of the property concerned or may set specific development rules for a particular area or land unit.
- 8.3.4 If the provisions of an overlay zone are different to, or inflict with, the provisions of a base zone, the more restrictive provisions shall apply, unless stated otherwise in the overlay zone concerned.

- 8.3.5 The provisions of an overlay zone do not in any way detract from any obligations in terms of national and provincial legislation.
- 8.3.6 The provisions of an overlay zone may apply to a land unit or land units, an area, or to the city as a whole, as may be stipulated in the adoption of such an overlay zone.
- 8.3.7 The provisions of more than one overlay zone may apply to a land unit or area.

8.4 Land Use Overlay Zones

8.4.1 Purpose of the land use overlay zones:

- a) The land use overlay zones provide a mechanism for designating the preferred development as identified in terms of the Mbombela Spatial Development Framework and also for designating the preferred development controls in terms of the area.
- b) Each land use overlay will include a table indicating the maximum development controls envisaged for the area.
- c) Each overlay zone may indicate certain developments or application where shortened application procedures might be followed.

8.4.2 Conditions applicable to the land use overlay zones:

- a) The provisions of the Mbombela Spatial Development Framework shall apply.
- b) If the provisions of this overlay zone are different to, or inflict with, the provisions of a base zone, the base zone provisions shall apply.

8.4.3 The provisions of Section 8.1 and 8.2 shall apply.

8.4.4 Type of land use overlay zones:

- a) Land use overlay zone 1: **CBD UPGRADE**
- b) Land use overlay zone 2: **TRANSITIONAL AREA**
- c) Land use overlay zone 3: **INTESIFICATION ZONE/LOCAL NODES**
- d) Land use overlay zone 4: **STRATEGIC MIXED USE**
- e) Land use overlay zone 5: **UPGRADE FOCUS AREAS**
- f) Land use overlay zone 6: **INDUSTRIAL/INDUSTRIAL GROWTH AREAS**
- g) Land use overlay zone 7: **RESIDENTIAL**
- h) Land use overlay zone 8: **TOURISM**
- i) Land use overlay zone 9: **GREENFIELDS/FUTURE HOUSING**
- j) Land use overlay zone 10: **AGRICULTURE/ RURAL RES**

- 8.4.5 In a separate process as approved by council, rebates will be provided and/or council will make land available at a nominal value for certain developments in Land Use Overlay Zone 1 and Land Use Overlay Zone 5.

8.5 Density Overlay Zone

8.5.1 Purpose of the overlay zone:

- a) The density overlay zone provides a mechanism for designating development density measure to land in order to establish development priorities and strategies as may be identified in the IDP, SDF or density plans approved by Council.
- b) The development density measures may include the setting of specific minimum or maximum development densities (E.g. erf sizes) given the availability of invested infrastructure or lack of available infrastructure and may also include incentive measures to encourage and support development priorities and strategies.

8.5.2 The following land use restrictions apply to property in this zone:

- a) Primary uses are as stipulated in the base zone;
- b) Consent uses are as stipulated in the base zone

8.5.3 Conditions applicable to the Density Zone:

- a) The provisions of Section 5.2 shall apply;
- b) The detailed provisions of the density overlay zone shall be consistent with the SDF.

8.5.4 The provisions of Section 8.1 and 8.2 shall apply.

8.5.5 Any development rules in terms of an approved Density Overlay zone that exceed or are more restrictive than the limitations of a base zone shall be deemed to be approved departures from the provisions of the base zone subject to an application.

8.6 Environmental Management Overlay Zone

8.6.1 Purpose of the overlay zone:

- a) The environmental management overlay zone provides a mechanism for the protection of Critical Biodiversity Areas (CBA's) and Ecological Support Areas (ESA's) and Wetlands;
- b) CBA's are areas required to meet biodiversity targets for ecosystems to function, whereas ESA's play an important role in supporting the ecological functioning of CBA's;
- c) The importance of mapping these areas is to guide decision-making to inform land-use planning, environmental assessment and authorisation (SANBI, 2017);
- d) The overlay zone provides a mechanism for the protection of biodiversity which the Municipal Council considers to be conservation worthy in terms of

environmental protection strategies and the Environmental Management Framework.

8.6.2 The following land use restrictions apply to property in this zone:

- a) Primary uses are as stipulated in the base zone;
- b) Consent uses are as stipulated in the base zone

8.6.3 The provisions of Section 8.1 and 8.2 shall apply

8.6.4 Conditions applicable to the Environmental Management Zone:

- a) The overlay zone depicts such erven and farm portions that may be subject to CBA's , ESA's and Wetlands;
- b) Applicable processes should be followed subject to any application process.
- c) If the provisions of this overlay zone are different to, or inflict with, the provisions of a base zone, the base zone provisions shall apply.

8.7 Kruger National Park (KNP) Land Use Buffer Overlay Zone

8.7.1 Purpose of the overlay zone:

- a) to protect the integrity of Kruger National Park, their purpose and values while enabling sustainable benefits to those persons and communities living adjacent to it;
- b) as per the National Environmental Management: Protected Areas Act 57 of 2003 and the associated 2012 Government Notice 106 on Biodiversity Policy and Strategy for South Africa: Strategy on Buffer Zones for National Parks, the KNP Land Use Buffer Overlay Zone function is to reduce or mitigate the negative influences of activities taking place outside parks, and to better integrate parks into surrounding landscapes;

8.7.2 The following land use restrictions apply to property in this zone:

- c) Primary uses are as stipulated in the land use register;
- d) Consent uses are as stipulated in the land use register

8.7.3 Conditions applicable to the KNP Land Use Buffer Overlay Zone:

- a) The overlay zone depicts such erven and farm portions that is subject to the KNP Land Use Buffer;
- b) If the provisions of this overlay zone are different to, or inflict with, the provisions of a base zone, the base zone provisions shall apply.
- c) Applicant and Mbombela Municipality must inform designated persons from KNP, regarding application and insure their participation in application process.

- d) Contact persons within Kruger National Park to notify of any Land Use Development application: General Manager for Conservation Management.

8.8 Heritage Protection Overlay Zone

8.8.1 Purpose of the overlay zone

- a) To protect the heritage places entered on the heritage register maintained by the provincial heritage resources authority, and for the protection of heritage areas as provided for in terms of the heritage legislation.
- b) A mechanism for the protection of heritage places the Council considers to be conservation-worthy in terms of its heritage strategies. The overlay zone enables the designation of such heritage places and heritage areas on a map.

8.8.2 Designating a Heritage Protection Overlay Zone

The following heritage places are deemed to be Heritage Protection Overlay zones and shall be subject to the provisions of this overlay zone:

- a) Any heritage place that has been entered into the register of heritage resources maintained by the provincial heritage resources authority in accordance with heritage legislation
- b) Any heritage place that has been designated a heritage area in accordance with heritage legislation.

8.8.3 Council shall record all Heritage Protection Overlay zones in a register, which may include heritage places or categories of heritage resources mapped on a digital inventory.

8.8.4 The provisions of Section 8.1 and 8.2 shall apply.

8.8.5 The following land use restrictions apply to property in this zone:

- a) Primary uses are as stipulated in the land use register;
- b) Consent uses are as stipulated in the land use register

8.8.6 Conditions applicable to the Heritage Protection Overlay Zone:

- a) In addition to the development rules that apply to the base zone, the provision of the relevant Heritage Protection Overlay zone (as adopted and recorded in terms of section 8.2) shall, where applicable, apply.
- b) Council may approve any use in this overlay zone, provided that such use is consistent with the uses determined to be appropriate in terms of a Council approved Heritage Management Plan in order to provide the owner with an incentive to preserve the heritage resource.

8.9 Mining Overlay Zone

8.9.1 Purpose of the overlay zone

- a) To regulate the use of land for mining operations;
- b) The mining of the mineral resource in turn, is regulated in terms of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) and the National Environmental Management Act 107 of 1998 (NEMA). A mining operation is therefore subject to a mining right or mining permit having to be granted by the Department of Mineral Resources (DMR) in terms of the MPRDA, the preparation and approval of an Environmental Management Programme and the grant by the DMR of an environmental authorisation in terms of NEMA. Any such mining operation is unique, as a land use typology, given that:
 - i. it is of a temporary duration, as the mining right or mining permit is limited in its timespan; and
 - ii. the use of land for a mining operation is source dependent (i.e. mining can only take place where the mineral resource is present).

8.9.2 Designation of a Mining Overlay Zone

The following mining areas are deemed to be Mining Overlay zones and shall be subject to the provisions of this overlay zone:

- a) A holder of a valid mining right or mining permit issued in terms of the MPRDA on any date prior and post to the date of the coming into effect of the land use scheme;

8.9.3 Council shall record all Mining Overlay zones in a register, which may include categories of mining mapped on a digital inventory.

8.9.4 The provisions of Section 8.1 and 8.2 shall apply.

8.9.5 The following land use restrictions apply to property in this zone:

- a) Primary uses are as stipulated in the land use register;
- b) Consent uses are as stipulated in the land use register

8.10 Conditions applicable to the Mining Overlay Zone:

- a) Approval by council for a mining operation is subject to a mining right or mining permit having to be granted by the Department of Mineral Resources (DMR) in terms of the MPRDA, the preparation and approval of an Environmental Management Programme and the grant by the DMR of an environmental authorisation in terms of NEMA;
- b) Notwithstanding anything contained in the scheme to the contrary, any land which forms the subject of a lawful prospecting right, mining right or mining

permit may be granted consent for the use thereof for a mining operation in terms of the by law and this scheme regulations;

- c) The consent will be attached to the property which forms or stands to form the subject of the mining right or mining permit and will be valid for the same period of validity as would be relevant to the mining right or mining permit;
- d) The period of the consent shall be the life expectancy of the mine;
- e) Conditions relating to the rehabilitation and decommissioning of the mine and time frames attached thereto shall be imposed at the time of approval;
- f) In cases where mines were approved prior to the commencement of this Scheme, and where no provision was made in the conditions for decommissioning and rehabilitation, the Municipality may, after informing the owner of its intentions to do so, impose suitable conditions prior to the mine closing down, where it deems necessary to protect the environment and facilitate suitable rehabilitation of a site used for mining.

CHAPTER 9: ADMINISTRATION OF LAND DEVELOPMENT RIGHTS

9.1 Administration of land development rights

9.1.1 This section deals with the administration of land use rights. The Municipality may approve or refuse application for the following categories of consents and may impose any such conditions it deem necessary:

- a) Consent Use of the Municipality
- b) Permanent Departure A
- c) Permanent Departure B
- d) Building line relaxation

9.2 Consent use of the Municipality

9.2.1 An application for Consent Use shall be in accordance with sub-clauses 9.3.1 to 9.3.8 for uses as listed in the applicable land use overlay zone, or any other Clause of this Scheme.

9.2.2 An application to the Municipality for Consent Use shall be:

- a) Made in writing in the form prescribed in Clause 9.3;
- b) Submitted by the owner(s) of the property concerned, or his/her duly authorised representative;
- c) Accompanied by the applicable application fees, as prescribed from time to time.

9.2.3 An application received in terms of sub-clause 9.3 may be approved or refused by the Municipality. Any person who is aggrieved with a decision of the Municipality has the right to object to such decision in the manner described in the By-Law.

9.2.4 No Consent Use application may be approved by the Municipality, contrary to a restrictive condition contained within a Title Deed / Deed of Transfer to an erf.

9.3 Consent Use application process

Provisions of Section 92, 93 and 96 to 111 of the By-Law applied *mutates mutandis* with reference to this section of the Scheme.

9.3.1 Information required

- a) An application required in terms of this section must be completed on a form approved by the Municipal Manager, signed by the applicant and submitted to the Municipality in hard copy or electronically as may be directed by the municipality;
- b) Any application referred to in subsection (a) must be accompanied by –

iii. If the applicant is not the owner of the land, a power of attorney signed by the owner/company/closed corporation/body corporate/ owners' association/ trustee, authorizing the applicant to make the application on behalf of the owner;

- iv. A written motivation of the application based on the criteria for consideration of the application;
 - v. Proof of payment of application fees;
- c) The municipality may make a determination or issue guidelines relating to the submission of additional information and procedural requirements.

9.3.2 Application fee

- a) An applicant must pay the application fees approved by the council prior to submitting an application in terms of this scheme;
- b) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.

9.3.3 Grounds for refusing to accept application

- a) The Municipality may refuse to accept an application if-
 - i. The Municipality has already decided on the application;
 - ii. There is no proof of payment of fees;
 - iii. The application is not in the form required by the Municipality or does not contain the documents required for the submission of an application as set out in Section 9.3.1.

9.3.4 Receipt of application and request for further documents

- a) The Municipality must-
 - i. Record the receipt of an application in writing or by affixing a stamp on the application on the day of receipt of application in hard copy and issue proof of receipt to the applicant;
 - ii. Notify the applicant in writing of any outstanding or additional plans, documents, other information or additional fees that it may require;

9.3.5 Additional information

- b) The applicant must provide the Municipality with the information or documentation required for the completion of the application within 30 days of the request therefor or within the further period agreed to between the applicant and the Municipality;
- c) The Municipality may refuse to consider the application if the applicant fails to provide the information within the timeframes contemplated in subsection (b);
- d) The Municipality must notify the applicant in writing of the refusal to consider the application and must close the application;
- e) An applicant has no right of appeal to the appeal authority in respect of a decision contemplated in the subsection (d) to refuse to consider the application;
- f) If an applicant wishes to continue with an application that the Municipality refused to consider under subsection (d), the applicant must submit a new application and pay the applicable application fees.

9.3.6 Withdrawal of application

- a) An applicant may, at any time prior to a decision being taken, withdraw an application on written notice to the Municipality;
- b) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney that authorized another person to make an application on his or her behalf.

9.3.7 Notification of application

- a) The applicant shall, within a period of 7 (seven) days of submitting an application to the Municipality, cause a site notice(s) of the application to be displayed on the property, in English, which notice:
 - a) Shall be in a format as specified by the Municipality;
 - b) Shall be posted in a conspicuous place on the property, where it is easily visible and can easily be read from each and every adjacent public street, or other public place: Provided that in the instance of an application, in respect of more than one property which is contiguous, but not notarially tied or consolidated the Municipality may, in its discretion, grant exemption from such display on certain of the properties concerned;
 - c) Shall not be less or smaller than 594 x 420 mm and any letter thereon shall be at least 6 mm in height;
 - d) Shall be maintained in a clearly legible condition for a period of 21 (twenty-one) days;
 - e) The notice must contain the following information:
 - i. The name, physical address and contact details of the applicant;
 - ii. Identify the land to which the application relates by giving the property description (erf number) and the physical address (street name and number);
 - iii. state the intent and purpose of the application
 - iv. state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - v. state the contact details of the relevant municipal employee;
 - vi. invite members of the public to submit written comments or objections together with the reasons therefor in respect of the application;
 - vii. state in which manner comments or objections may be submitted;
 - viii. state the date by when the comments or objections must be submitted which must not be less than 30 days from the date on which the notice was given;
 - ix. state that any person who cannot write may during office hours attend at an address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's objections or comments.
- f) An applicant shall, at his/her own expense, serve a notice to all registered owners of land abutting upon or sharing a common boundary with that land (specifically including any land which is only separated by a road), including a home owners

associations, or else as determined by the Municipality, within 7 (seven) days after submitting the application to the Municipality, informing them of the application, to the satisfaction of the Municipality (refer to Section 93 of the By-Law regarding serving of notices).

- g) The application shall submit proof, including an affidavit in respect of the site notices, to the satisfaction of the Municipality that the provisions of sub-clauses (b) and (f) have been complied with.
- h) The municipality may require the applicant to additionally notify any additional stakeholders and interested parties which may include a notice in a newspaper, circulating in the local area.

9.3.8 Certification by Municipality

- a) An application approval in terms of section 9.2.3 lapses after a period of two years calculated from the date of approval or the date that the approval comes into operation if, within that two year period -
 - (i) the conditions of approval have not been met; and
 - (ii) the development charges referred to in Chapter 7 of the By-law have not been paid or paid in the agreed instalments;
- b) An applicant may, prior to the lapsing of an approval, apply for an extension of the period contemplated in subsection (a), in accordance with the provisions of section 109 of the By-law;
- c) The Municipality may grant an extension of the two year period contemplated in subsection (a), but the two year period together with any extension that the Municipality grants, may not exceed five years;
- d) Upon compliance with subsection a(i) and a(ii), the approval in terms of section 9.3.2 is confirmed and rights approves shall be exercised;
- e) The Municipality must in writing confirm to the applicant or to any other person at his or her written request that an approval in terms of subsection 9.2.3 is confirmed, if the applicant has to the satisfaction of the Municipality submitted proof of compliance with subsection a(i) and a(ii) for the consent use;

9.4 Permanent Departure A

- 9.4.1 An application in terms of this clause shall mean an application form and memorandum, which may include explanatory maps, plans or diagram (if necessary) in which the application is motivated, as well as the applicable application fee.
- 9.4.2 An applicant shall, at his/her own expense, serve notices to all owner of land abutting upon or sharing a common boundary with that land (specifically including any land which is only separated by a road). Including home owners' associations, or else as determined by the Municipality within 7 (seven) days after submitting the application

to the Municipality, informing them of the application, to the satisfaction of the Municipality (refer to Section 93 of the By-Law regarding serving of notices).

9.4.3 The notice referred to in sub-clause 9.4.2 shall:

- a) Reflect details of the application including the street address, the name of the township and the number of the property concerned and the nature and general purpose of the application;
- b) Shall reflect that the application documents relating to the application will be open for inspection at specified times and at a specified place, at the offices of the Municipality and that any objections or representations must be substantiated with reasons and must be submitted, in writing to the Municipality under cover of registered post, or by hand within a period of 30 (thirty) days from date of notification.

9.4.4 The applicant shall submit proof to the satisfaction of the Municipality that the provisions of sub clause 9.4.3 have been complied with.

9.4.5 The applicant shall notify adjoining properties and any other addition affected party(ies), as may be determined by the Municipality.

9.4.6 No Permanent Departure A may be approved by the Municipality, contrary to a restrictive condition contained within a Title Deed/Deed of Transfer to an erf.

9.5 Permanent Departure B

9.5.1 Applications requiring an SDP shall ensure that same complies with the requirements of Clause 5.7. Should the Municipality approve the SDP and Building Plan, it shall be regarded as a Permanent Departure B having been given, provided that the Land Use Management may require the applicant to additionally comply with sub-clause 9.4.5 and/ or provide any additional information, if so required.

9.5.2 Application requiring only a building plan shall ensure that same complies with the National Building Regulations. Should the Municipality approve the building plan, it shall be regarded as a Permanent Departure B having been given, provided that Land Use Management Division has recommended the building plan for approval.

9.5.3 Applications requiring permission in terms of Permanent Departure B shall be submitted to the building plan section.

9.5.4 The Municipality may require, the applicant to additionally comply with Clause 9.3.7 and/or provide any additional information, if so required.

9.5.5 The Municipality may require, for a building line relaxation, to comply with Clause 9.6

9.5.6 No Permanent Departure B may be approved by the Municipality, contrary to a restrictive condition contained within a Title Deed / Deed of Transfer to an erf.

9.6 Building line relaxation

9.6.1 The Municipality may on application relax the Building Line stipulated in Table 1 for properties in any Use Zone, if such relaxation would, in its opinion, constitute an improvement in the development of the property.

9.6.2 The following provisos shall be applicable to the relaxation of building lines:

- a) The relaxation of building lines may be approved on consideration of submitted building plans and/or SDP's, provided that provision is made for the affected neighbour's positive comments of the relaxation closer than 1 meter on buildings greater than 1 one storey in height, on the building plan and/or SDP and an application form specifically for this purpose shall be submitted to the Municipality. The Municipality shall determine who the affected neighbors are.
- b) If the neighbor refuses to sign in term of (a) above, a registered copy of the application shall be posted to the affected neighbor(s) and the proof thereof shall be submitted to the Municipality. Should no response be received from the affected neighbor(s) within a period of 30 (thirty) days of date of posting of the application, the Municipality shall treat the application as if there is no objection.
- c) Such a copy as referred to in (b) above shall inform the neighbour's that they have 30 (thirty) days to respond, in writing, to the Municipality, from that of the letter, in the absence thereof, the Municipality shall deem the application as having had no objection.
- d) In adjudicating the application for relaxation, the Municipality shall consider inter alia the following:
 - i. The desirability of the relaxation, in relation to the size of the property and positioning and height of buildings thereon, the amenity of the neighborhood, road reserve widths and sight distances, as well as possible adverse effects on neighboring properties;
 - ii. Existing buildings and consents for relaxations already granted in the immediate vicinity of the application;
- e) If a valid objection is received, the matter will be referred to the relevant Tribunal committee for consideration.

CHAPTER 10: COMPLIANCE AND ENFORCEMENT

10.1 Permission granted before approval of this scheme

10.1.1 Any consent granted for the use of land, or the erection of, alternation of or addition to any building or the carrying out of any works in terms of the provisions of the previous, Nelspruit Town Planning Scheme, White River Town Planning Scheme, Umjindi Town Planning Scheme or Peri Urban (Hazyview) Town Planning Scheme prior to the approval of this Scheme shall be deemed to be a consent granted in terms of the relevant provisions of this Scheme.

10.2 Capturing of Amendments to the Scheme

10.2.1 Any amendments to the Scheme shall be captured in the electronic zoning register.

10.2.2 The land use, restrictions, requirements, conditions and provisions as set out in the scheme are subject to the conditions as set out below:

- a) Where an entry has not been made in the use zones and development parameters Tables, the Municipality may in its discretion specify a restriction when granting its consent to an application.
- b) Special rights, conditions and restrictions that may apply to any property within any use zone, may be indicated in the approval to the amendment to the Scheme.
- c) The special conditions and restrictions referred to in sub-clause (b) shall:
 - i. Be in addition to the general conditions, restrictions and other provisions of the Scheme; and
 - ii. Prevail should they conflict with any such other conditions, restriction or provisions as set out in this scheme.
- d) Upon approval of an amendment scheme the effected property or building shall, in addition to the requirements of the Scheme, be entitled to the use and further be subject to special conditions, restrictions, densities, floor area ratio, open space requirements, height, coverage, building lines, lines of no access and parking and loading requirements as shown on the relevant Amendment to the Scheme, if any.

10.3 Contravention of the Scheme

10.3.1 Any person who contravenes, or deliberately allow the contravention of any stipulation or conditions of the Scheme, or the provisions of any notice or directive by virtue of any stipulation of the Scheme, is guilty of an offence and punishable under the Act.

CHAPTER 11 : SCHEDULES

11.1 Schedule 1 – Grouping of Zonings into simplified zones

The intention of the table is to show the transition on land use rights from the old town planning schemes to the new land use scheme

Simplified Zone	Zoning
Agricultural	<i>Agricultural Agricultural (with permitted uses)</i>
Business	<i>Agricultural (with permitted uses) Business 1 Business 2 Business 3 Business 4 Special</i>
Institutional	<i>Cemetery Educational Institutional Special</i>
Industrial	<i>Industrial 1 Industrial 2 Industrial 3 Special</i>
Municipal	<i>Municipal</i>
Minging	
Government	<i>Government Special</i>
Open Space	<i>Public Open Space Private Open Space special</i>
Residential	<i>Residential 1 Residential 2 Residential 3 Residential 4 Residential 5 Special</i>
Rural Residential	<i>Agriculture (permitted use)</i>
Rural Settlement	<i>Informal Erven</i>
Tourism	<i>Business 1 Special Consent Agriculture (Permitted uses) Special</i>
Transportation	<i>Aerodrome Parking Public Garage S.A.R</i>

	<i>Existing Public Road Special</i>
Public Service Infrastructure	<i>Municipal Government</i>

11.2 Schedule 2 – Land Use and Zoning Matrix as per Land Use Overlay Zones

LAND USE OVERLAY ZONE 1 - CBD UPGRADE

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir															
2	Adult entertainment business		P													
3	Agriculture					P										
4	Agricultural buildings															
5	Agricultural industry					P										
6	Agri-Village					P	P									
7	Airfield					C	C									
8	Airport													P		
9	Animal refuge					P										
10	Auction centre		P													
11	Back-packer inn		P					C				P				
12	Bakery		P													
13	Boarding house					P	P	P								
14	Biosphere															
15	Botanical garden					P	P									
16	Boutique hotel		P									P				
17	Brickyard															
18	Builders yard															
19	Bulk retail trade		P													
20	Camping site															
21	Canteen		C			C	C									
22	Carwash		P											P		
23	Cemetery			P		P	P									
24	Child day-care center			P				P & C								
25	Clinic			P		P	P									
26	Coal yard															
27	Commonage															
28	Confectioner		P									C				
29	Conference center		P	P		P	P					P				
30	Conservancy															
31	Craft production		P									P				
32	Creche		P	P		P	P	C								
33	Crematorium			P												
34	Cultural heritage site					P	P	P				P				
35	Drive through restaurant		P													
36	Dry cleaner		P													
37	Dwelling house		P	P				P				P		C		
38	Dwelling units		P			P	P	P				P				
39	Environmental facilities							P				P				
40	Factory shop		P													
41	Farm stall															
42	Filling station		P													
43	Fuelling facility					P	P							P		
44	Funeral parlour		P	P												
45	Gaming establishment		P									C				
46	Government use					P										
47	Guest house		P					C				P				
48	Gymnasium		P													
49	Harvesting of natural resources															
50	Heavy vehicle parking depot															
51	Heliport		C	C								C		P		
52	Home occupation							C								
53	Home office		P													
54	Hospital		P	P		P	P									
55	Hotel		P									P				
56	Industry															
57	Institution			P		P	P									
58	Laboratory		P	P												
59	Launderette		P													
60	Lodge		P									P				
61	Markets		P					C				P				
62	Medical suites		P	P		P	P									
63	Mining															
64	Mobile dwelling unit							P				P				
65	Mortuary		P	P		P	P									
66	Municipal purposes					P	P								P	
67	Nature reserve							P								
68	Noxious industry															
69	Nursery		P					P				P				
70	Office		P	C		P	P					P				
71	Panel beater		P													
72	Parking		P											P		
73	Parking garage		P											P		
74	Petro-port															
75	Place of amusement		P									P				
76	Place of education		P	P		P	P									
77	Place of public worship		P	P		P	P									
78	Place of refreshment		P					C				P				
79	Prison					P										
80	Private Club					P	P	P								
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				
84	Public road					P	P							P	P	

LAND USES		LAND USE ZONES															
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining	
C	Consent use																
	Prohibited Use																
85	Public transport rank														P	P	
86	Railway line														P		
87	Railway station																
88	Recycling center															P	
89	Resort																
90	Retail shop		P														
91	Retirement village								P								
92	Riding stables																
93	Rural settlement																
94	Sawmill																
95	Second dwelling unit								P & C								
96	Scrap yard																
97	Self catering unit		P						C			P					
98	Self storage		P														
99	Service retail		P														
100	Service trade		P						C								
101	Sewer purification plant						P									P	
102	Social hall		P	P		P	P	P				P					
103	Special																
104	Sport and recreational grounds					P	P	P				P					
105	Student accommodation		P			P	P		P & C								
106	Sustainable farming																
107	Tavern		P														
108	Telecommunication infrastructure		C	C		C	C	C	C			C		C	C		
109	Telephone kiosk		P														
110	Tourist facilities		P					P				P					
111	Traditional healing practice		P	P													
112	Truck stop													P			
113	Tuck shop or Spaza shop								C								
114	Urban agriculture							P									
115	Utility					P	P							P	P		
116	Vehicle sales market		P														
117	Veterinary clinic		P			P			C								
118	Warehousing and packaging																
119	Waste disposal site					P	P									P	
120	Wholesale trade		P														
121	Wood yard																
122	Zoological garden					P	P					P					
123	4 x 4 trail																
DEVELOPMENT CONTROLS																	
	Coverage		80	75		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50			As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality		
	FAR		2.0	2.1		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality			As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality		
	Height		3	3		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3			As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality		
	Density (As per Density overlay zone)	As per density overlay zone															

LAND USE OVERLAY ZONE 2 - TRANSITIONAL AREA

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir															
2	Adult entertainment business															
3	Agriculture															
4	Agricultural buildings															
5	Agricultural industry															
6	Agri-Village															
7	Airfield															
8	Airport															
9	Animal refuge															
10	Auction centre															
11	Back-packer inn		P						C			P				
12	Bakery		P													
13	Boarding house								P							
14	Biosphere															
15	Botanical garden															
16	Boutique hotel		P									P				
17	Brickyard															
18	Builders yard															
19	Bulk retail trade															
20	Camping site															
21	Canteen		C													
22	Carwash															
23	Cemetery															
24	Child day-care center			P					P & C							
25	Clinic			P												
26	Coal yard															
27	Commonage															
28	Confectioner															
29	Conference center		P	P												
30	Conservancy															
31	Craft production		P													
32	Creche		P	P					C							
33	Crematorium			P												
34	Cultural heritage site															
35	Drive through restaurant															
36	Dry cleaner															
37	Dwelling house		P	P					P			P				
38	Dwelling units		P						P			P				
39	Environmental facilities															
40	Factory shop															
41	Farm stall															
42	Filling station		P													
43	Fuelling facility															
44	Funeral parlour			P												
45	Gaming establishment															
46	Government use															
47	Guest house		P						C			P				
48	Gymnasium		P													
49	Harvesting of natural resources															
50	Heavy vehicle parking depot															
51	Heliport															
52	Home occupation								C							
53	Home office		P													
54	Hospital															
55	Hotel															
56	Industry															
57	Institution			P												
58	Laboratory		P	P												
59	Launderette															
60	Lodge		P									P				
61	Markets		P						C			P				
62	Medical suites		P	P												
63	Mining															
64	Mobile dwelling unit															
65	Mortuary			P												
66	Municipal purposes														P	
67	Nature reserve								P							
68	Noxious industry															
69	Nursery															
70	Office		P	C												
71	Panel beater															
72	Parking		P												P	
73	Parking garage		P												P	
74	Petro-port															
75	Place of amusement															
76	Place of education		P	P												
77	Place of public worship		P	P												
78	Place of refreshment		P						C			P				
79	Prison															
80	Private Club								P							
81	Private open space			P					P							
82	Private road															
83	Public open space								P			P				
84	Public road													P	P	

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
85	Public transport rank															
86	Railway line															
87	Railway station															
88	Recycling center															
89	Resort															
90	Retail shop															
91	Retirement village															
92	Riding stables															
93	Rural settlement															
94	Sawmill															
95	Second dwelling unit								P & C							
96	Scrap yard															
97	Self catering unit		P						C			P				
98	Self storage															
99	Service retail															
100	Service trade								C							
101	Sewer purification plant															
102	Social hall		P	P								P				
103	Special															
104	Sport and recreational grounds															
105	Student accommodation		P						P & C							
106	Sustainable farming															
107	Tavern															
108	Telecommunication infrastructure		C	C				C	C			C		C	C	
109	Telephone kiosk															
110	Tourist facilities															
111	Traditional healing practice															
112	Truck stop															
113	Tuck shop or Spaza shop								C							
114	Urban agriculture															
115	Utility													P	P	
116	Vehicle sales market															
117	Veterinary clinic		P						C							
118	Warehousing and packaging															
119	Waste disposal site															
120	Wholesale trade															
121	Wood yard															
122	Zoological garden															
123	4 x 4 trail															
DEVELOPMENT CONTROLS																
	Coverage	As approved by the local municipality	50	50	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR	As approved by the local municipality	0.25	0.25	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone														

LAND USE OVERLAY ZONE 3 - INTENSIFICATION ZONES AND NODES

LAND USES		LAND USE ZONES (To be read with the intensification zone policy)														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir	C			P											
2	Adult entertainment business		P		P											
3	Agriculture	P				P						P				
4	Agricultural buildings	P														
5	Agricultural industry	P			P	P										
6	Agri-Village	P				P	P			P						
7	Airfield	C				C	C							P		
8	Airport													P		
9	Animal refuge	C			P	P										
10	Auction centre	C			P											
11	Back-packer inn		P						C	C	C	P				
12	Bakery		P		P											
13	Boarding house					P	P		P		P					
14	Biosphere	P						P				P				
15	Botanical garden	P				P	P	P								
16	Boutique hotel	C	P								C	P				
17	Brickyard	C			P											
18	Builders yard	C			P											
19	Bulk retail trade		P		P											
20	Camping site	C						P				P				
21	Canteen		C		C	C	C									
22	Carwash		P		P									P		
23	Cemetery			P		P	P									
24	Child day-care center	C		P					P & C	C	C					
25	Clinic			P		P	P									
26	Coal yard				P											
27	Commonage	P						P			P					
28	Confectioner		P		P							C				
29	Conference center		P	P		P	P					P				
30	Conservancy	P						P				P				
31	Craft production	C	P		P							P				
32	Creche	C	P	P		P	P		C	C						
33	Crematorium			P	P											
34	Cultural heritage site	P				P	P	P			P	P				
35	Drive through restaurant		P													
36	Dry cleaner		P		P											
37	Dwelling house	P	P	P					P	P	P	P		C		
38	Dwelling units		P			P	P		P		P	P				
39	Environmental facilities							P				P				
40	Factory shop		P		P											
41	Farm stall	C										P				
42	Filling station		P		P											
43	Fuelling facility	C			P	P	P							P		
44	Funeral parlour		P	P	P											
45	Gaming establishment		P		P							C				
46	Government use					P										
47	Guest house	C	P						C	C	C	P				
48	Gymnasium		P		C											
49	Harvesting of natural resources	P						P			P					
50	Heavy vehicle parking depot				P									P		
51	Heliport	C	C	C						C		C		P		
52	Home occupation	C							C	C	C					
53	Home office		P													
54	Hospital		P	P		P	P									
55	Hotel		P									P				
56	Industry				P											
57	Institution					P	P									
58	Laboratory	C	P	P	P											
59	Lauderette		P		P											
60	Lodge		P									P				
61	Markets	C	P		P			C				P				
62	Medical suites		P	P		P	P									
63	Mining	C														
64	Mobile dwelling unit								P	P	P	P				
65	Mortuary		P	P	P	P	P									
66	Municipal purposes					P	P								P	
67	Nature reserve	P						P				P				
68	Noxious industry				P											
69	Nursery	C	P					P				P				
70	Office		P	C	P	P	P					P				
71	Panel beater		P		P											
72	Parking		P											P		
73	Parking garage		P		P									P		
74	Petro-port				P									P		
75	Place of amusement		P		P							P				
76	Place of education	C	P	P		P	P									
77	Place of public worship	C	P	P		P	P									
78	Place of refreshment	C	P		P			C				P				
79	Prison					P										
80	Private Club	C				P	P	P								
81	Private open space			C		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				

LAND USES		LAND USE ZONES (To be read with the intensification zone policy)														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
84	Public road					P	P							P	P	
85	Public transport rank													P	P	
86	Railway line				P									P		
87	Railway station															
88	Recycling center				P										P	
89	Resort											P				
90	Retail shop		P													
91	Retirement village								P							
92	Riding stables	C								C	C	P				
93	Rural settlement										P					
94	Sawmill	C			P											
95	Second dwelling unit	C							P & C	C						
96	Scrap yard				P											
97	Self catering unit	C	P						C	C		P				
98	Self storage		P		P											
99	Service retail	C	P		P											
100	Service trade		P						C	C	C					
101	Sewer purification plant						P								P	
102	Social hall		P	P		P	P	P				P				
103	Special															
104	Sport and recreational grounds					P	P	P				P				
105	Student accommodation		P			P	P		P & C	C						
106	Sustainable farming	P						P			P					
107	Tavern		P		P						C					
108	Telecommunication infrastructure	C	C	C	C	C	C	C	C	C	C	C		C	C	
109	Telephone kiosk		P		P						P					
110	Tourist facilities	C	P					P				P				
111	Traditional healing practice	C	P	P								P				
112	Truck stop	C			P									P		
113	Tuck shop or Spaza shop								C		P					
114	Urban agriculture							P			P					
115	Utility					P	P							P	P	
116	Vehicle sales market		P		P											
117	Veterinary clinic	C	P		P	P			C							
118	Warehousing and packaging				P											
119	Waste disposal site				P	P	P								P	
120	Wholesale trade		P		P											
121	Wood yard	C			P											
122	Zoological garden	C				P	P					P				
123	4 x 4 trail	C										P				
DEVELOPMENT CONTROLS																
	Coverage	As approved by the local municipality	80	75	80	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality	
	FAR	As approved by the local municipality	2.0	2.1	2.0	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality	
	Height	3	3	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality	
	Density (As per Density overlay zone)	As per density overlay zone														

LAND USE OVERLAY ZONE 4 - STRATEGIC MIXED USE

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir	C			P											
2	Adult entertainment business		P		P											
3	Agriculture	P				P						P				
4	Agricultural buildings	P														
5	Agricultural industry	P			P	P										
6	Agri-Village	P				P	P			P						
7	Airfield	C				C	C								P	
8	Airport														P	
9	Animal refuge	C			P	P										
10	Auction centre	C			P											
11	Back-packer inn		P						C	C	C	P				
12	Bakery		P		P											
13	Boarding house					P	P		P		P					
14	Biosphere	P						P				P				
15	Botanical garden	P				P	P	P								
16	Boutique hotel	C	P								C	P				
17	Brickyard	C			P											
18	Builders yard	C			P											
19	Bulk retail trade		P		P											
20	Camping site	C						P				P				
21	Canteen		C		C	C	C									
22	Carwash		P		P									P		
23	Cemetery			P		P	P									
24	Child day-care center	C		P					P & C	C	C					
25	Clinic			P		P	P									
26	Coal yard				P											
27	Commonage	P						P			P					
28	Confectioner		P		P							C				
29	Conference center		P	P		P	P					P				
30	Conservancy	P						P				P				
31	Craft production	C	P		P							P				
32	Creche	C	P	P		P	P		C	C						
33	Crematorium			P	P											
34	Cultural heritage site	P				P	P	P			P	P				
35	Drive through restaurant		P													
36	Dry cleaner		P		P											
37	Dwelling house	P	P	P					P	P	P	P		C		
38	Dwelling units		P			P	P		P		P	P				
39	Environmental facilities							P				P				
40	Factory shop		P		P											
41	Farm stall	C										P				
42	Filling station		P		P											
43	Fuelling facility	C			P	P	P							P		
44	Funeral parlour		P	P	P											
45	Gaming establishment		P		P							C				
46	Government use					P										
47	Guest house	C	P						C	C	C	P				
48	Gymnasium		P		C			C								
49	Harvesting of natural resources	P						P			P					
50	Heavy vehicle parking depot				P										P	
51	Heliport	C	C	C						C		C		P		
52	Home occupation	C							C	C	C					
53	Home office		P													
54	Hospital		P	P		P	P									
55	Hotel		P									P				
56	Industry				P											
57	Institution			P		P	P									
58	Laboratory	C	P	P	P											
59	Lauderette		P		P											
60	Lodge		P									P				
61	Markets	C	P		P			C				P				
62	Medical suites		P	P		P	P									
63	Mining	C														
64	Mobile dwelling unit								P	P	P	P				
65	Mortuary		P	P	P	P	P									
66	Municipal purposes					P	P								P	
67	Nature reserve	P						P				P				
68	Noxious industry				P											
69	Nursery	C	P					P				P				
70	Office		P	C	P	P	P					P				
71	Panel beater		P		P											
72	Parking		P											P		
73	Parking garage		P		P									P		
74	Petro-port				P									P		
75	Place of amusement		P		P							P				
76	Place of education	C	P	P		P	P									
77	Place of public worship	C	P	P		P	P									
78	Place of refreshment	C	P		P			C				P				
79	Prison					P										
80	Private Club	C				P	P	P								
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service Infrastructure	Mining
C	Consent use															
	Prohibited Use															
84	Public road					P	P							P	P	
85	Public transport rank													P	P	
86	Railway line				P									P		
87	Railway station													P		
88	Recycling center				P										P	
89	Resort											P				
90	Retail shop		P													
91	Retirement village								P							
92	Riding stables	C								C	C	P				
93	Rural settlement										P					
94	Sawmill	C			P											
95	Second dwelling unit	C							P & C	C						
96	Scrap yard				P											
97	Self catering unit	C	P						C	C		P				
98	Self storage															
99	Service retail	C	P		P											
100	Service trade		P						C		C					
101	Sewer purification plant						P								P	
102	Social hall		P	P		P	P	P				P				
103	Special															
104	Sport and recreational grounds					P	P	P				P				
105	Student accommodation		P			P	P		P & C	C						
106	Sustainable farming	P						P			P					
107	Tavern		P		P						C					
108	Telecommunication infrastructure	C	C	C	C	C	C	C	C	C	C	C		C	C	
109	Telephone kiosk		P		P						P					
110	Tourist facilities	C	P					P				P				
111	Traditional healing practice	C	P	P							P					
112	Truck stop	C			P									P		
113	Tuck shop or Spaza shop								C		P					
114	Urban agriculture							P			P					
115	Utility					P	P							P	P	
116	Vehicle sales market		P		P											
117	Veterinary clinic	C	P		P	P			C							
118	Warehousing and packaging				P											
119	Waste disposal site				P	P	P								P	
120	Wholesale trade		P		P											
121	Wood yard	C			P											
122	Zoological garden	C				P	P					P				
123	4 x 4 trail	C										P				
DEVELOPMENT CONTROLS																
	Coverage	As approved by the local municipality	80	75	80	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR	As approved by the local municipality	2.0	2.1	2.0	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height	3	3	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the relevant authority	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone														

LAND USE OVERLAY ZONE 5 - UPGRADE FOCUS AREA

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir	C			P											
2	Adult entertainment business		P		P											
3	Agriculture	P				P						P				P
4	Agricultural buildings	P														P
5	Agricultural industry	P			P	P										P
6	Agri-Village	P				P	P			P						
7	Airfield	C				C	C							P		
8	Airport													P		
9	Animal refuge	C			P	P										
10	Auction centre	C	P		P											
11	Back-packer inn		P						C	C	C	P				
12	Bakery		P		P											
13	Boarding house					P	P		P		P					P
14	Biosphere	P						P				P				
15	Botanical garden	P				P	P	P								
16	Boutique hotel	C	P								C	P				
17	Brickyard	C			P											C
18	Builders yard	C			P											
19	Bulk retail trade		P		P											
20	Camping site	C						P				P				
21	Canteen		C		C	C	C									C
22	Carwash		P		P									P		
23	Cemetery			P		P	P									
24	Child day-care center	C		P					P & C	C	C					
25	Clinic			P		P	P									C
26	Coal yard				P											C
27	Commonage	P						P			P					
28	Confectioner		P		P							C				
29	Conference center		P	P		P	P					P				
30	Conservancy	P						P				P				
31	Craft production	C	P		P							P				
32	Creche	C	P	P		P	P		C	C						
33	Crematorium			P	P											
34	Cultural heritage site	P				P	P	P			P	P				
35	Drive through restaurant		P													
36	Dry cleaner		P		P											
37	Dwelling house	P	P	P					P	P	P	P		C		
38	Dwelling units		P			P	P		P		P	P				
39	Environmental facilities							P				P				
40	Factory shop		P		P											
41	Farm stall	C										P				
42	Filling station		P		P											
43	Fuelling facility	C			P	P	P							P		P
44	Funeral parlour		P	P	P											
45	Gaming establishment		P		P							C				
46	Government use					P										
47	Guest house	C	P						C	C	C	P				
48	Gymnasium		P		C			C								
49	Harvesting of natural resources	P						P			P					
50	Heavy vehicle parking depot				P									P		P
51	Heliport	C	C	C						C		C		P		
52	Home occupation	C							C	C	C					
53	Home office															
54	Hospital		P	P		P	P									
55	Hotel		P									P				
56	Industry				P											P
57	Institution			P		P	P									
58	Laboratory	C	P	P	P											C
59	Launderette		P		P											
60	Lodge		P									P				
61	Markets	C	P		P			C				P				
62	Medical suites		P	P		P	P									
63	Mining	C														P
64	Mobile dwelling unit								P	P	P	P				
65	Mortuary		P	P	P	P	P									
66	Municipal purposes					P	P								P	
67	Nature reserve	P						P				P				
68	Noxious industry				P											P
69	Nursery	C	P					P				P				
70	Office		P	C	P	P	P					P				P
71	Panel beater		P		P											
72	Parking		P											P		
73	Parking garage		P		P									P		
74	Petro-port				P									P		
75	Place of amusement		P		P							P				
76	Place of education	C	P	P		P	P									
77	Place of public worship	C	P	P		P	P									
78	Place of refreshment	C	P		P			C				P				
79	Prison					P										
80	Private Club	C				P	P	P								
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				
84	Public road					P	P							P	P	

LAND USES		LAND USE ZONES															
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining	
C	Consent use																
	Prohibited Use																
85	Public transport rank														P	P	
86	Railway line				P										P		P
87	Railway station				P											P	
88	Recycling center				P											P	
89	Resort											P					
90	Retail shop		P														
91	Retirement village								P								
92	Riding stables	C								C	C	P					
93	Rural settlement										P						
94	Sawmill	C			P												
95	Second dwelling unit	C							P & C	C							
96	Scrap yard				P												
97	Self catering unit	C	P						C	C		P					
98	Self storage		P		P												
99	Service retail	C	P		P												
100	Service trade		P						C	C	C						
101	Sewer purification plant						P									P	
102	Social hall		P	P		P	P	P				P					
103	Special																
104	Sport and recreational grounds					P	P	P				P					
105	Student accommodation		P			P	P		P & C	C							
106	Sustainable farming	P						P			P						
107	Tavern		P		P						C						
108	Telecommunication infrastructure	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C
109	Telephone kiosk		P		P						P						
110	Tourist facilities	C	P					P				P					
111	Traditional healing practice	C	P	P								P					
112	Truck stop	C			C									P			
113	Tuck shop or Spaza shop								C		P						
114	Urban agriculture							P			P						
115	Utility					P	P							P	C		
116	Vehicle sales market		P		P												
117	Veterinary clinic	C	P		P	P			C								
118	Warehousing and packaging				P												
119	Waste disposal site				P	P	P									C	
120	Wholesale trade		P		P												
121	Wood yard	C			P												
122	Zoological garden	C				P	P					P					
123	4 x 4 trail	C										P					
DEVELOPMENT CONTROLS																	
	Coverage	As approved by the local municipality	80	75	80	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR	As approved by the local municipality	2.0	2.1	2.0	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height	3	3	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone															

LAND USE OVERLAY ZONE 6 - INDUSTRIAL/INDUSTRIAL GROWTH AREA

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir	C			P											
2	Adult entertainment business		P		P											
3	Agriculture	P														P
4	Agricultural buildings	P														P
5	Agricultural industry	P			P	P										P
6	Agri-Village															
7	Airfield	C				C	C							P		
8	Airport													P		
9	Animal refuge	C			P	P										
10	Auction centre	C	P		P											
11	Back-packer inn										C					
12	Bakery		P		P											
13	Boarding house										P					P
14	Biosphere															
15	Botanical garden															
16	Boutique hotel										C					
17	Brickyard	C			P											C
18	Builders yard	C			P											
19	Bulk retail trade		P		P											
20	Camping site															
21	Canteen		C		C	C	C									C
22	Carwash		P		P									P		
23	Cemetery			P		P	P									
24	Child day-care center										C					
25	Clinic					P	P									C
26	Coal yard				P											C
27	Commonage	P									P					
28	Confectioner		P		P											
29	Conference center															
30	Conservancy															
31	Craft production	C	P		P											
32	Creche															
33	Crematorium			P	P											
34	Cultural heritage site	P				P	P				P					
35	Drive through restaurant		P													
36	Dry cleaner		P		P											
37	Dwelling house										P			C		
38	Dwelling units										P					
39	Environmental facilities															
40	Factory shop		P		P											
41	Farm stall															
42	Filling station		P		P											
43	Fuelling facility	C			P	P	P							P		P
44	Funeral parlour		P	P	P											
45	Gaming establishment		P		P											
46	Government use					P										
47	Guest house		P								C					
48	Gymnasium		P		C											
49	Harvesting of natural resources										P					
50	Heavy vehicle parking depot				P									P		P
51	Heliport	C	C	C										P		
52	Home occupation	C									C					
53	Home office		P													
54	Hospital															
55	Hotel															
56	Industry				P											P
57	Institution			P												
58	Laboratory	C	P	P	P											C
59	Launderette		P		P											
60	Lodge															
61	Markets	C	P		P											
62	Medical suites															
63	Mining	C														P
64	Mobile dwelling unit										P					
65	Mortuary		P	P	P	P	P									
66	Municipal purposes					P	P								P	
67	Nature reserve															
68	Noxious industry				P											P
69	Nursery		P													
70	Office		P	C	P	P	P									P
71	Panel beater		P		P											
72	Parking		P											P		
73	Parking garage		P		P									P		
74	Petro-port				P									P		
75	Place of amusement		P		P											
76	Place of education															
77	Place of public worship	C	P	P		P	P									
78	Place of refreshment	C	P		P											
79	Prison					P										
80	Private Club	C				P	P									
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P								
84	Public road					P	P							P	P	

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
85	Public transport rank													P	P	
86	Railway line				P									P		P
87	Railway station													P		
88	Recycling center				P										P	
89	Resort															
90	Retail shop															
91	Retirement village															
92	Riding stables															
93	Rural settlement															
94	Sawmill	C			P											
95	Second dwelling unit															
96	Scrap yard				P											
97	Self catering unit															
98	Self storage		P		P											
99	Service retail		P		P											
100	Service trade		P													
101	Sewer purification plant						P									P
102	Social hall		P			P	P									
103	Special															
104	Sport and recreational grounds					P										
105	Student accommodation															
106	Sustainable farming															
107	Tavern		P		P											
108	Telecommunication infrastructure	C	C	C	C	C	C	C						C	C	C
109	Telephone kiosk		P		P											
110	Tourist facilities															
111	Traditional healing practice															
112	Truck stop	C			P										P	
113	Tuck shop or Spaza shop															
114	Urban agriculture							P								
115	Utility					P	P								P	P
116	Vehicle sales market		P		P											
117	Veterinary clinic	C	P		P	P										
118	Warehousing and packaging				P											
119	Waste disposal site				P	P	P									P
120	Wholesale trade		P		P											
121	Wood yard	C			P											
122	Zoological garden															
123	4 x 4 trail															
DEVELOPMENT CONTROLS																
	Coverage	As approved by the local municipality	80	75	80	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality					As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR	As approved by the local municipality	2.0	2.1	2.0	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality					As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height	3	3	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality					As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone														

LAND USE OVERLAY ZONE 7 - RESIDENTIAL

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir															
2	Adult entertainment business															
3	Agriculture											P				
4	Agricultural buildings															
5	Agricultural industry															
6	Agri-Village					P	P			P						
7	Airfield															
8	Airport															
9	Animal refuge															
10	Auction centre															
11	Back-packer inn		P						C	C	C	P				
12	Bakery		P													
13	Boarding house					P	P		P		P					
14	Biosphere							P				P				
15	Botanical garden							P								
16	Boutique hotel		P								C	P				
17	Brickyard															
18	Builders yard															
19	Bulk retail trade															
20	Camping site							P				P				
21	Canteen		C			C	C									
22	Carwash		P													
23	Cemetery						P									
24	Child day-care center			P				P & C	C	C						
25	Clinic			P		P	P									
26	Coal yard															
27	Commonage							P			P					
28	Confectioner		P									C				
29	Conference center		P	P		P	P					P				
30	Conservancy							P				P				
31	Craft production		P									P				
32	Creche		P	P		P	P		C	C						
33	Crematorium															
34	Cultural heritage site					P	P	P			P	P				
35	Drive through restaurant															
36	Dry cleaner		P													
37	Dwelling house		P	P					P	P	P	P				
38	Dwelling units		P			P	P		P		P	P				
39	Environmental facilities							P				P				
40	Factory shop															
41	Farm stall															
42	Filling station		P													
43	Fuelling facility															
44	Funeral parlour		P													
45	Gaming establishment											C				
46	Government use					P										
47	Guest house		P						C	C	C	P				
48	Gymnasium		P					C								
49	Harvesting of natural resources							P			P					
50	Heavy vehicle parking depot															
51	Heliport		C	C						C		C				
52	Home occupation								C	C	C					
53	Home office		P													
54	Hospital		P	P		P	P									
55	Hotel		P									P				
56	Industry															
57	Institution			P		P	P									
58	Laboratory		P	P												
59	Launderette		P													
60	Lodge		P									P				
61	Markets		P					C				P				
62	Medical suites		P	P		P	P									
63	Mining															
64	Mobile dwelling unit								P	P	P	P				
65	Mortuary		P	P		P	P									
66	Municipal purposes					P	P									P
67	Nature reserve							P				P				
68	Noxious industry															
69	Nursery		P					P				P				
70	Office		P	C		P	P					P				
71	Panel beater															
72	Parking		P											P		
73	Parking garage		P											P		
74	Petro-port															
75	Place of amusement															
76	Place of education		P	P		P	P									
77	Place of public worship		P	P		P	P									
78	Place of refreshment		P					C				P				
79	Prison															
80	Private Club					P	P	P								
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				
84	Public road					P	P							P	P	

LAND USES		LAND USE ZONES															
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining	
C	Consent use																
	Prohibited Use																
85	Public transport rank																
86	Railway line																
87	Railway station													P			
88	Recycling center																
89	Resort																
90	Retail shop		P														
91	Retirement village								P								
92	Riding stables									C		C					
93	Rural settlement											P					
94	Sawmill																
95	Second dwelling unit								P & C	C							
96	Scrap yard																
97	Self catering unit		P						C	C		P					
98	Self storage		P														
99	Service retail		P														
100	Service trade		P						C	C	C						
101	Sewer purification plant																
102	Social hall		P	P		P	P	P				P					
103	Special																
104	Sport and recreational grounds					P	P	P				P					
105	Student accommodation		P			P	P		P & Cc	C							
106	Sustainable farming							P			P						
107	Tavern		P								C						
108	Telecommunication infrastructure		C	C		C	C	C	C	C	C	C		C	C		
109	Telephone kiosk		P								P						
110	Tourist facilities		P					P				P					
111	Traditional healing practice		P	P							P						
112	Truck stop																
113	Tuck shop or Spaza shop								C		P						
114	Urban agriculture							P			P						
115	Utility					P	P							P	P		
116	Vehicle sales market																
117	Veterinary clinic		P			P			C								
118	Warehousing and packaging																
119	Waste disposal site																
120	Wholesale trade																
121	Wood yard																
122	Zoological garden																
123	4 x 4 trail																
DEVELOPMENT CONTROLS																	
	Coverage		80	75		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR		2.0	2.1		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height		3	3		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone															

LAND USE OVERLAY ZONE 8 - TOURISM

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir	C														
2	Adult entertainment business															
3	Agriculture	P				P						P				
4	Agricultural buildings	P														
5	Agricultural industry	P				P										
6	Agri-Village	P				P	P			P						
7	Airfield	C				C	C							P		
8	Airport													P		
9	Animal refuge	C				P										
10	Auction centre	C														
11	Back-packer inn		P						C	C	C	P				
12	Bakery		P													
13	Boarding house					P	P		P		P					
14	Biosphere	P						P				P				
15	Botanical garden	P				P	P	P								
16	Boutique hotel	C	P								C	P				
17	Brickyard															
18	Builders yard															
19	Bulk retail trade															
20	Camping site	C						P				P				
21	Canteen		C			C	C									
22	Carwash		P											P		
23	Cemetery			P												
24	Child day-care center	C		P					P & C	C	C					
25	Clinic			P		P	P									
26	Coal yard															
27	Commonage	P						P			P					
28	Confectioner		P									C				
29	Conference center		P	P		P	P					P				
30	Conservancy	P						P				P				
31	Craft production	C	P									P				
32	Creche	C	P	P		P	P		C	C						
33	Crematorium			P												
34	Cultural heritage site	P				P	P	P			P	P				
35	Drive through restaurant		P													
36	Dry cleaner		P													
37	Dwelling house	P	P	P					P	P	P	P		C		
38	Dwelling units		P			P	P		P		P	P				
39	Environmental facilities							P				P				
40	Factory shop		P													
41	Farm stall	C										P				
42	Filling station		P													
43	Fuelling facility	C														
44	Funeral parlour			P												
45	Gaming establishment		P									C				
46	Government use					P										
47	Guest house	C	P						C	C	C	P				
48	Gymnasium							C								
49	Harvesting of natural resources	P						P			P					
50	Heavy vehicle parking depot															
51	Heliport	C	C	C						C		C		P		
52	Home occupation	C							C	C	C					
53	Home office		P													
54	Hospital		P	P		P	P									
55	Hotel		P									P				
56	Industry															
57	Institution			P		P	P									
58	Laboratory		P	P												
59	Launderette		P													
60	Lodge		P									P				
61	Markets	C	P					C				P				
62	Medical suites		P	P		P	P									
63	Mining															
64	Mobile dwelling unit								P	P	P	P				
65	Mortuary			P		P	P									
66	Municipal purposes						P								P	
67	Nature reserve	P						P				P				
68	Noxious industry															
69	Nursery	C	P					P				P				
70	Office		P	C		P	P					P				
71	Panel beater															
72	Parking		P											P		
73	Parking garage		P											P		
74	Petro-port													P		
75	Place of amusement		P									P				
76	Place of education	C	P	P		P	P									
77	Place of public worship	C	P	P		P	P									
78	Place of refreshment	C	P			P	P	C				P				
79	Prison															
80	Private Club	C				P	P	P								
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				
84	Public road					P	P							P	P	

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
85	Public transport rank														P	
86	Railway line													P		
87	Railway station													P		
88	Recycling center														P	
89	Resort											P				
90	Retail shop		P													
91	Retirement village								P							
92	Riding stables	C								C	C	P				
93	Rural settlement										P					
94	Sawmill															
95	Second dwelling unit	C							P & C	C						
96	Scrap yard															
97	Self catering unit	C	P						C	C		P				
98	Self storage		P													
99	Service retail	C	P													
100	Service trade		P						C	C	C					
101	Sewer purification plant														P	
102	Social hall		P			P	P	P				P				
103	Special															
104	Sport and recreational grounds					P	P	P				P				
105	Student accommodation		P			P	P		P & C	C						
106	Sustainable farming	P						P			P					
107	Tavern		P								C					
108	Telecommunication infrastructure	C	C	C		C	C	C	C	C	C	C		C	C	
109	Telephone kiosk		P								P					
110	Tourist facilities	C	P					P				P				
111	Traditional healing practice	C	P	P							P					
112	Truck stop															
113	Tuck shop or Spaza shop								C		P					
114	Urban agriculture							P			P					
115	Utility					P	P							P	P	
116	Vehicle sales market															
117	Veterinary clinic	C	P			P			C							
118	Warehousing and packaging															
119	Waste disposal site														P	
120	Wholesale trade															
121	Wood yard															
122	Zoological garden	C				P	P					P				
123	4 x 4 trail	C										P				
DEVELOPMENT CONTROLS																
	Coverage	As approved by the local municipality	80	75		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR	As approved by the local municipality	2.0	2.1		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height	3	3	3		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone														

LAND USE OVERLAY ZONE 9 - GREENFIELDS / FUTURE HOUSING

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir	C			P											
2	Adult entertainment business		P		P											
3	Agriculture	P				P						P				P
4	Agricultural buildings	P														P
5	Agricultural industry	P			P	P										P
6	Agri-Village	P				P	P			P						
7	Airfield	C				C	C							P		
8	Airport													P		
9	Animal refuge	C			P	P										
10	Auction centre	C	P		P											
11	Back-packer inn		P						C	C	C	P				
12	Bakery		P		P											
13	Boarding house					P	P		P		P					P
14	Biosphere	P						P				P				
15	Botanical garden	P				P	P	P								
16	Boutique hotel	C	P								C	P				
17	Brickyard	C			P											C
18	Builders yard	C			P											
19	Bulk retail trade		P		P											
20	Camping site	C						P				P				
21	Canteen		C		C	C	C									C
22	Carwash		P		P									P		
23	Cemetery			P		P	P									
24	Child day-care center	C		P					P & C	C	C					
25	Clinic			P		P	P									C
26	Coal yard				P											C
27	Commonage	P						P			P					
28	Confectioner		P		P							C				
29	Conference center		P	P		P	P					P				
30	Conservancy	P						P				P				
31	Craft production	C	P		P							P				
32	Creche	C	P	P		P	P		C	C						
33	Crematorium			P	P											
34	Cultural heritage site	P				P	P	P			P	P				
35	Drive through restaurant		P													
36	Dry cleaner		P		P											
37	Dwelling house	P	P	P					P	P	P	P		C		
38	Dwelling units		P			P	P		P		P	P				
39	Environmental facilities							P				P				
40	Factory shop		P		P											
41	Farm stall	C											P			
42	Filling station		P		P											
43	Fuelling facility	C			P	P	P							P		P
44	Funeral parlour		P	P	P											
45	Gaming establishment		P		P							C				
46	Government use					P										
47	Guest house	C	P						C	C	C	P				
48	Gymnasium		P		C			C								
49	Harvesting of natural resources	P						P			P					
50	Heavy vehicle parking depot				P									P		P
51	Heliport	C	C	C						C		C		P		
52	Home occupation	C							C	C	C					
53	Home office		P													
54	Hospital		P	P		P	P									
55	Hotel		P									P				
56	Industry				P											P
57	Institution			P		P	P									
58	Laboratory	C	P	P	P											C
59	Launderette		P		P											
60	Lodge		P									P				
61	Markets	C	P		P			C				P				
62	Medical suites		P	P		P	P									
63	Mining	C														P
64	Mobile dwelling unit								P	P	P	P				
65	Mortuary		P	P	P	P	P									
66	Municipal purposes					P	P								P	
67	Nature reserve	P						P				P				
68	Noxious industry				P											P
69	Nursery	C	P					P				P				
70	Office		P	C	P	P	P					P				P
71	Panel beater		P		P											
72	Parking		P											P		
73	Parking garage		P		P									P		
74	Petro-port				P									P		
75	Place of amusement		P		P							P				
76	Place of education	C	P	P		P	P									
77	Place of public worship	C	P	P		P	P									
78	Place of refreshment	C	P		P			C				P				
79	Prison					P										
80	Private Club	C				P	P	P								
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				
84	Public road					P	P							P	P	

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
85	Public transport rank													P	P	
86	Railway line				P									P		P
87	Railway station													P		
88	Recycling center				P										P	
89	Resort											P				
90	Retail shop		P													
91	Retirement village								P							
92	Riding stables	C								C	C	P				
93	Rural settlement										P					
94	Sawmill	C			P											
95	Second dwelling unit	C							P & C	C						
96	Scrap yard				P											
97	Self catering unit	C	P						C	C		P				
98	Self storage		P		P											
99	Service retail	C	P		P											
100	Service trade		P						C	C	C					
101	Sewer purification plant						P								P	
102	Social hall		P	P		P	P	P				P				
103	Special															
104	Sport and recreational grounds					P	P	P				P				
105	Student accommodation		P			P	P		P & C	C						
106	Sustainable farming	P						P			P					
107	Tavern		P		P						C					
108	Telecommunication infrastructure	C	C	C	C	C	C	C	C	C	C	C		C	C	C
109	Telephone kiosk		P		P						P					
110	Tourist facilities	C	P									P				
111	Traditional healing practice	C	P	P												
112	Truck stop	C			P									P		
113	Tuck shop or Spaza shop								C		P					
114	Urban agriculture										P					
115	Utility					P	P							P	P	
116	Vehicle sales market		P		P											
117	Veterinary clinic	C	P		P	P			C							
118	Warehousing and packaging				P											
119	Waste disposal site				P	P	P								P	
120	Wholesale trade		P		P											
121	Wood yard	C			P											
122	Zoological garden	C				P	P					P				
123	4 x 4 trail	C										P				
DEVELOPMENT CONTROLS																
	Coverage	As approved by the local municipality	80	75	80	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR	As approved by the local municipality	2.0	2.1	2.0	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height	3	3	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone														

LAND USE OVERLAY ZONE 10 - AGRICULTURE / RURAL RESIDENTIAL

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
1	Abattoir	C														
2	Adult entertainment business															
3	Agriculture	P				P						P				P
4	Agricultural buildings	P														P
5	Agricultural industry	P				P										P
6	Agri-Village	P				P	P			P						
7	Airfield	C				C	C							P		
8	Airport													P		
9	Animal refuge	C				P										
10	Auction centre	C														
11	Back-packer inn								C	C	C	P				
12	Bakery															
13	Boarding house					P	P		P		P					P
14	Biosphere	P						P				P				
15	Botanical garden	P				P	P	P								
16	Boutique hotel	C									C	P				
17	Brickyard	C														C
18	Builders yard	C														
19	Bulk retail trade															
20	Camping site	C						P				P				
21	Canteen					C	C									C
22	Carwash													P		
23	Cemetery			P		P	P									
24	Child day-care center	C		P					P & C	C	C					
25	Clinic			P		P	P									C
26	Coal yard															C
27	Commonage	P						P			P					
28	Confectioner											C				
29	Conference center			P		P	P					P				
30	Conservancy	P						P				P				
31	Craft production	C										P				
32	Creche	C		P		P	P		C	C						
33	Crematorium			P												
34	Cultural heritage site	P				P	P	P			P	P				
35	Drive through restaurant															
36	Dry cleaner															
37	Dwelling house	P		P					P	P	P	P		C		
38	Dwelling units					P	P		P		P	P				
39	Environmental facilities							P				P				
40	Factory shop															
41	Farm stall	C										P				
42	Filling station															
43	Fuelling facility	C				P	P							P		P
44	Funeral parlour			P												
45	Gaming establishment											C				
46	Government use					P										
47	Guest house	C							C	C	C	P				
48	Gymnasium							C								
49	Harvesting of natural resources	P						P			P					
50	Heavy vehicle parking depot													P		P
51	Heliport	C		C						C		C		P		
52	Home occupation	C							C	C	C					
53	Home office															
54	Hospital			P		P	P									
55	Hotel											P				
56	Industry															P
57	Institution			P		P	P									
58	Laboratory	C		P												C
59	Launderette															
60	Lodge											P				
61	Markets	C						C				P				
62	Medical suites			P		P	P									
63	Mining	C														P
64	Mobile dwelling unit								P	P	P	P				
65	Mortuary			P		P	P									
66	Municipal purposes					P	P								P	
67	Nature reserve	P						P				P				
68	Noxious industry															P
69	Nursery	C						P				P				
70	Office			C		P	P					P				
71	Panel beater															
72	Parking													P		
73	Parking garage													P		
74	Petro-port													P		
75	Place of amusement											P				
76	Place of education	C		P		P	P									
77	Place of public worship	C		P		P	P									
78	Place of refreshment	C						C				P				
79	Prison					P										
80	Private Club	C				P	P	P								
81	Private open space			P		P	P	P								
82	Private road													P		
83	Public open space					P	P	P				P				
84	Public road					P	P							P	P	

LAND USES		LAND USE ZONES														
P	Primary Use	Agriculture	Business	Institutional	Industrial	Government	Municipal	Open space	Residential	Rural Residential	Rural Settlement	Tourism	Protected Areas	Transportation	Public service infrastructure	Mining
C	Consent use															
	Prohibited Use															
85	Public transport rank													P	P	
86	Railway line													P		P
87	Railway station															
88	Recycling center														P	
89	Resort											P				
90	Retail shop															
91	Retirement village								P							
92	Riding stables	C								C	C	P				
93	Rural settlement										P					
94	Sawmill	C														
95	Second dwelling unit	C							P & C	C						
96	Scrap yard															
97	Self catering unit	C							C	C		P				
98	Self storage															
99	Service retail	C														
100	Service trade								C	C	C					
101	Sewer purification plant						P								P	
102	Social hall			P		P	P	P				P				
103	Special															
104	Sport and recreational grounds					P	P	P				P				
105	Student accommodation					P	P		P & C	C						
106	Sustainable farming	P						P			P					
107	Tavern										C					
108	Telecommunication infrastructure	C		C		C	C	C	C	C	C	C		C	C	C
109	Telephone kiosk										P					
110	Tourist facilities	C						P				P				
111	Traditional healing practice	C		P							P					
112	Truck stop	C												P		
113	Tuck shop or Spaza shop								C		P					
114	Urban agriculture							P			P					
115	Utility					P	P							P	P	
116	Vehicle sales market															
117	Veterinary clinic	C				P			C							
118	Warehousing and packaging															
119	Waste disposal site					P	P								P	
120	Wholesale trade															
121	Wood yard	C														
122	Zoological garden	C				P	P					P				
123	4 x 4 trail	C										P				
DEVELOPMENT CONTROLS																
	Coverage	As approved by the local municipality		75		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	50	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	FAR	As approved by the local municipality		2.1		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Height	3		3		As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	3	3	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality	As approved by the local municipality
	Density (As per Density overlay zone)	As per density overlay zone														